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Legislative Document

No. 1214

H.P. 889

House of Representatives, March 24, 2021

An Act To Require Vehicle Safety within the Funeral Industry

Received by the Clerk of the House on March 22, 2021. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HASENFUS of Readfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §1408** is enacted to read:

3 **§1408. Vehicle safety**

4 A member of the funeral service profession or an authorized representative or
5 employee of a member of the funeral service profession who owns or leases a vehicle used
6 to transport human remains may not operate that vehicle unless it meets the requirements
7 of this section.

8 **1. Floor or platform lower than front seats.** When a floor or platform is installed in
9 the vehicle, the floor or platform must be lower than the front seats of the vehicle.

10 **2. Floor or platform secured to vehicle.** When a floor or platform is installed in the
11 vehicle, the floor or platform must be secured to the vehicle itself so that the floor or
12 platform cannot become dislodged in the event of a vehicle accident.

13 **3. System to secure containers.** A functioning system to ensure that a container
14 within the vehicle cannot become dislodged in the event of a vehicle accident must be
15 installed in the vehicle.

16 This section applies regardless of whether the vehicle is transporting human remains.

17 The owner or lessee of a vehicle that violates this section is subject to a civil penalty
18 of not less than \$5,000. If a violation of this section is a cause of serious bodily injury or
19 death of another person, the owner or lessee of the vehicle is subject to a civil penalty of
20 \$25,000 and the violation must be a factor in assessment of criminal liability pursuant to
21 Title 17-A, section 60.

22 **SUMMARY**

23 Current law does not require that vehicles used in the funeral industry to transport
24 human remains contain certain safety features to prevent harm to persons riding in the
25 vehicles when floors or platforms are installed and when containers are being transported.
26 This bill requires a floor or platform installed in a vehicle to be lower than the vehicle's
27 front seats and to be secured to the vehicle so it cannot become dislodged in the event of a
28 vehicle accident and requires a functioning system to be installed in the vehicle to ensure
29 that a container within the vehicle cannot become dislodged in the event of a vehicle
30 accident. It provides that a member of the funeral service profession or authorized
31 representative or employee who owns or leases a vehicle used to transport human remains
32 may not operate that vehicle unless it meets these requirements, that the owner or lessee of
33 such a vehicle that violates these requirements is subject to a civil penalty of not less than
34 \$5,000 and that an owner or lessee that violates these requirements is subject to a civil
35 penalty of \$25,000 if the violation is a cause of serious bodily injury or death of another
36 person, with the violation being a factor in assessment of criminal liability.