



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N

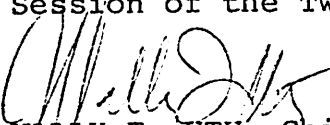
Senate Chamber
September 11, 1988

I certify that Senate Bill No. 68 passed third reading on this date in the Senate during its Fourth Regular Session of the Twentieth Legislature of American Samoa.


MRS. FIALUPE AUMOEUALOGO
Asst. Secretary of the Senate

House Chamber
September 21, 1988

I certify that Senate Bill No. 68 passed third reading on this date in the House of Representatives during its Fourth Regular Session of the Twentieth Legislature of American Samoa.


WALLY F. UTU, Chief Clerk
House of Representatives

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of July
one thousand nine hundred and eighty eight

AN ACT REQUIRING THE USE OF CHILD PASSENGER RESTRAINTS AND
SEAT BELTS WHEN OPERATING A MOTOR VEHICLE UPON THE HIGHWAYS;
CREATING NEW SECTIONS 22.0332 AND 22.0333 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a new section 22.0332 which
reads:

"22.0332 Child passenger restraints.

(a) Except as otherwise provided in this section, no
person operating a motor vehicle on a public highway in the
Territory shall transport a child under four years of age ex-
cept under the following circumstances:

(1) if the child is under three years of age, the person
operating the motor vehicle shall ensure that the child is
properly restrained in a child passenger restraint system ap-
proved by the United States Department of Transportation at
the time of its manufacture; or

(2) if the child is three years of age or older but less
than four years of age, the person operating the motor vehicle
must either ensure that the child is properly restrained in a
child passenger restraint system approved by the United States
Department of Transportation at the time of its manufacture or
ensure that the child is restrained by a seat belt assembly.

(b) Operators of the following motor vehicles shall be
exempt from the requirements of this section: an authorized
emergency vehicle while on duty, and a bus, including a school
bus, whether publicly or privately owned, which provides ser-
vice to the general public or provides special service on a
regular or continuing basis. Further exemptions from this
section may be established by the commissioner of public
safety pursuant to rules adopted under the Administrative Pro-
cedures Act, 4.1001 et seq.

(c) This section shall not apply if the number of per-
sons in a vehicle exceeds the greater of the following:

(1) the number of seat belt assemblies available in the vehicle; or

(2) the number of seat belt assemblies originally installed in the vehicle; provided that all available seat belt assemblies are being used to restrain a passenger, and those children not restrained by an approved child passenger restraint system to a seat belt assembly are in the back seat of the motor vehicle.

(d) In no event shall failure of a child under the age of four years to be restrained or failure to restrain such a child in a child passenger restraint system or a seat belt assembly be considered as contributory negligence, comparative negligence, or negligence per se."

(e) Penalty: for the first offense, the fine shall be \$25, second offense, \$50, and third or more, \$75."

Sec 2. There is created a new section 22.0333 which reads:

"22.0333 Mandatory use of seat belts.

(a) Except as otherwise provided by law, no person:

(1) shall operate a motor vehicle upon any public highway unless the person is restrained by a seat belt assembly and any passengers in the front seat of the motor vehicle are restrained by a seat belt assembly if between the ages of four and fifteen or are restrained pursuant to 22.0332 if under the age of four;

(2) if fifteen years of age or more shall be a passenger in the front seat of a motor vehicle being operated upon any public highway unless such person is restrained by a seat belt assembly.

As used in this section and 22.0332 "seat belt assembly" means the seat belt assembly required to be in the motor vehicle under any federal motor vehicle safety standard issued pursuant to Public Law 89-563, the Federal National Traffic and Motor Vehicle Safety Act of 1966, as amended, unless original replacement seat belt assemblies are not readily available. If replacement assemblies are not readily available, seat belts of federally approved materials with similar protective characteristics may be used. Such replacement seat belt assemblies shall be permanently marked by the belt manufacturer indicating compliance with all applicable federal standards.

(b) The passengers of the following motor vehicles shall be exempt from the requirements of this section: an authorized emergency vehicle while on duty and a bus, including a school bus, whether publicly or privately owned, which provides service to the general public or provides special service on a regular or continuing basis. Further exemptions from this section may be established by rules adopted by the commissioner of public safety pursuant to the Administrative Procedures Act, 4.1001 etc.

(c) No person shall be guilty of violating this section if:

(1) the person is in a motor vehicle which is not required to be equipped with a seat belt assembly under any federal motor vehicle safety standard unless the vehicle is in fact equipped with a seat belt assembly;

(2) the person not restrained by a seat belt assembly is in a vehicle in which the number of person exceeds the number of seat belt assemblies available in the vehicle or the number of seat belt assemblies originally installed in the vehicle, whichever is greater; provided that all available seat belt assemblies are being used to restrain passengers;

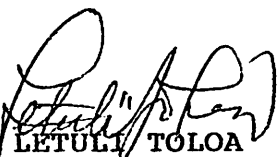
(3) the person not restrained by a seat belt assembly has a condition which prevents appropriate restraint by the seat belt assembly, provided such condition is duly certified by a physician who shall state the nature of the condition, as well as the reason such restraint is inappropriate;

(4) the person not restrained by a seat belt assembly is operating a taxicab and is carrying passengers in the vehicle in the course of performing taxicab services; or

(5) otherwise exempted by rules adopted by the commissioner of public safety pursuant to the Administrative Procedures Act, 4.1001 et seq.

(d) This section shall not be deemed to change existing laws, rules, or procedures pertaining to a trial of a civil action for damages for personal injuries or death sustained in a motor vehicle accident.

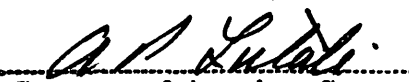
(e) Penalty: A person violating this section shall be fined not more than \$25 per offense."


LETULI TOHOA

President of the Senate


TUANA'ITAU F. TUIĀ
Speaker of the House

Hereby Approved this 19th day of October, 19 88


Governor of American Samoa

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fone Tele Lona Fa

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulutasi o Iulai
tasi le afe iva selau valusefulu valu

O SE TULAFONO E MANA'OMIA ONA FA'AAOGA O MEA E TAOFI AI
TAMAITI MA FUSI PA'U PE A FEOA'I I TA'AVALE I LUGA O ALATELE;
FA'AVAEINA MAGA FOU 22.0332 MA LE 22.0333 TFAS.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua fa'avaeina se maga fou 22.0332 e faitauina:

"22.0332 Mea e taofi ai tamaiti pasese.

(a) Vagana ua iai se isi mea ua saunia i lenei maga,
e leai se tagata o lo'o ave se ta'avale i luga o alatele
i le Teritori e aveina se tamaitiiti i lalo o le fa tausaga
i tulaga ua fa'aalia i lalo:

(1) pe afai o le tamaitiiti e le atoa le tolu tausaga,
o le tagata o lo'o aveina le ta'avale ia mautinoa ua fa'a-
mau lelei le tamaitiiti pasese i faiga o fusipa'u ua fa'a-
maonia e le Matagaluega o Fela'uaiga o le Iunaite Setete
i le taimi sa gaosia ai lea ta'avale;

(2) pe afai o le tamaitiiti ua tolu tausaga pe sili
atu ae itiiti i le fa tausaga, o le tagata o lo'o aveina
le ta'avale e tatau ona mautinoa ua fa'amau lelei le tamai-
tiiti pasese i fusipa'u ua fa'amaonia e le Matagaluega o
Fela'uaiga o le Iunaite Setete i le taimi sa gaosia ai le
ta'avale pe ia mautinoa ua fa'amau lelei le tamaitiiti i le
fusipa'u o le nofoa o le ta'avale.

(e) O aveta'avale o ta'avale ua fa'ailoa i lalo ia
fa'agafua mai manaoga o lenei maga: o se ta'avale fa'ataga-
ina o mea fa'afuase'i i le taimi o galuega, ma se pasi, e
aofia ai se pasi a'oga, pe umia lautele pe umia e tagata
tua, e saunia galuega mo tagata lautele pe saunia galuega
fa'apitoa i se tulaga masani po'o se tulaga faia pea. O isi
fa'agafuaga mai lenei maga e mafai ona faia e le komesina o
le saogalemu lautele e tusa ma poloaiga o galuega ua talia-
ina i lalo o le Tulafono Pulega o Galuega, 4.1001 ma isi mea.

(i) O lenei maga e le fa'aaoga pe afai o le numera o
tagata i totonu o se ta'avale e sili atu i le tele o mea ua
fa'ailoa i lalo:

(1) le numera o fusipa'u o nofoa o lo'o avanoa i le
ta'avale; po'o

(2) le numera o fusipa'u o nofoa sa ulua'i faia i le ta'avale; pe afai o fusipa'u o nofoa ua fa'aaogaina e taofia ai pasese, ma o tamaiti e le o taofia i se nofoa fusipa'u fa'amaonia o lo'o i le nofoa pito i tua o le ta'avale.

(o) E leai se tulaga o le le faia se tamaitiiti i lalo o le fa tausaga e tataua ona taofia po'o le le taofia o lea tamaitiiti pasese i fusipa'u o nofoa po'o tulaga o fusipa'u o le avea ma tulaga fa'atamala tusa ai, po'o le fa'atamala lava ia.

(u) Fa'asalaga mo le fa'asalaga muamua, o le sala e \$25, fa'asalaga lona lua \$50, ma le lona tolu po'o le sili atu \$75.00."

Maga 2. Ua fa'avaeina se maga fou 22.0333 e faitauina:

"22.0333 Fa'aaoga fa'amalosi'o fusipa'u o nofoa.

(a) Vagana ua iai se isi aiaiga o le tulafono, e leai se tagata:

(1) e ave se ta'avale i luga o so'o se alatele mo le lautele vagana ua fusia le tagata ua fusi i se fusipa'u ma so'o se pasese i le nofoa i luma o le ta'avale ua fusia i fusipa'u o nofoa pe afai o le va o le fa ma le sefululima tausaga pe taofia i fusipa'u e tusa ma le 22.0332 pe afai e le'i atoa le fa tausaga;

(2) afai o le sefululima tausaga o le olaga pe sili atu ua aofia i pasese i le nofoa i luma o se ta'avale o lo'o fealua'i i luga o so'o se alatele lautele vagana o lea tagata ua fusia i se fusipa'u.

E pei ona fa'aaogaina i lenei maga ma le 22.0332 "nofoa ua iai fusipa'u" o lona uiga o nofoa o iai fusipa'u mana'omia i totonu o ta'avale afi i lalo o so'o se fua tutusa saogalemu o le malo tele ua tu'uina atu i lalo o le Tulafono Lautele 89-563, Saogalemu o Ta'avale o le malo tele 1966, e pei ona suia, vagana ua suia le ulua'i tulaga o nofoa ua iai fusipa'u e le o maua gofie. Afai e le maua gofie nofoa o iai mea puipui saogalemu fa'apena e mafai ona fa'aaoga. O ia suiga o fusipa'u ia makaina tumau e le kamupani sa gaosia fusipa'u e fa'aailoa mai ua gaua'i i fua tutusa uma a le malo tele.

(e) O tagata pasese o ta'avale afi ua fa'aailoa i lalo e fa'agafua mai manaoga o lenei maga: o se ta'avale fa'atagaina o mea fa'afuase'i i le taimi o tiute ma se pasi, e aofia ai pasi a'oga, pe umia e le malo po'o tagata tua, e saunia fela'uaiga mo tagata lautele i se tulaga masani po'o se tulaga faia pea. O isi fo'i fa'agafuaga mai lenei maga e mafai ona faia i poloaiga o galuega ua taliaina e le Komesina o le Saogalemu Lautele e tusa ma le Tulafono Pulega o Galuega, 4.1001 ma isi mea.

(i) E leai se tagata e nofosala i lenei maga pe afai:

(1) o le tagata o lo'o i totonu o le ta'avale afi e le mana'omia ona faia ni fusipa'u i lalo o so'o se fua tutusa saogalemu o ta'avale o le malo tele vagana o lea ta'avale ua iai ni fusipa'u;

(2) o le tagata e le o fa'amauina i se fusipa'u o lo'o i totonu o se ta'avale e to'atele tagata ae itiiti nofoa ua iai fusipa'u i le ta'avale po'o le numera o fusipa'u sa ulua'i iai i le ta'avale ina o gaosia, po'o le a lava le tulaga e tele; pe afai o nofoa fusipa'u o avanoa ua tumu i tagata pasese;

(3) o le tagata e le o taofia i se fusipa'u ua iai se tulaga e le mafai ai ona fusia tatau i se fusipa'u, pe afai o lea tulaga ua fa'amaonia e se foma'i o ia e fa'aalia mai le tulaga fa'apitoa o iai, e fa'apea fo'i le mafuaaga e le tatau ai ona faia se fusipa'u;

(4) o le tagata ave ta'avale e le o taofia i se fusipa'u o lo'o aveina se ta'avale la'ititi la'u pasese ma o lo'o feavea'i pasese i le ta'avale a'o faia lea galuega o le feavea'i o pasese; pe

(5) o iai se isi fa'agafuaga i poloaiga galuega ua taliaina e le Komesina o le Saogalemu Lautele e tusa ai ma le Tulafono Pulega o Galuega, 4.1001 ma isi mea.

(o) O lenei maga, e le suia ai tulafono o iai nei poloaiga galuega, po'o taualumaga e uiga i tagi va o tagata po'o ulua'i tagi mo mea fa'aleagaina a tagata po'o se maluu fo'i ua tupu mai ona o se fa'alavelave i ta'avale afi.

(u) Fa'asalaga: So'o se tagata e solia lenei maga ia fa'asalaina e le silia ma le \$25.00 i so'o se fa'asalaga.


LETULI TO'LOA

Peresetene o le Maota Mau'aluga


TUANA'ITAU F. TUIĀ

Fofoga Fetalai, Maota o Sui

Hereby Approved this day of, 19


Governor of American Samoa