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SB 254/95 - JPR

1997 Regular Session
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By: ~~Senator Ruben~~ Senators Ruben, Trotter, Young, Forehand, and Kelley

Introduced and read first time: January 14, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 13, 1997

CHAPTER ____

1 AN ACT concerning

2 **Vehicle Laws - Seat Belt Offenses - Enforcement**

3 FOR the purpose of repealing a provision of law that limits a police officer to enforcing

4 a violation of certain mandatory seat belt use laws only as a secondary action when

5 the police officer detains a driver suspected of violating another provision of law;

6 making stylistic changes; and generally relating to the enforcement of laws requiring

7 the use of seat belts.

8 BY repealing and reenacting, with amendments,

9 Article - Transportation

10 Section 22-412.3

11 Annotated Code of Maryland

12 (1992 Replacement Volume and 1996 Supplement)

13 Preamble

14 WHEREAS, It is the intent of the General Assembly to strengthen the enforcement

15 of mandatory seat belt use laws in order to increase the survival rates of individuals

16 involved in vehicular accidents on Maryland's highways, reduce the severity of vehicular

17 accident injuries, and curb the escalating costs of health care, workers' compensation, and

18 other insurance-related expenditures associated with motor vehicle accidents; and

19 WHEREAS, By providing for the primary enforcement of seat belt laws, the

20 General Assembly intends to enhance the safety of motorists on the State's highways, but

21 does not intend to expand in any way the circumstances under which a law enforcement

22 officer may lawfully inspect or search a motor vehicle or the vehicle's contents, driver, or

23 passengers; now, therefore,

2

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Transportation**

4 22-412.3.

5 (a) (1) In this [section,] SECTION the following words have the meanings
6 indicated.

7 (2) (i) "Motor vehicle" means a vehicle that is:

8 1. Registered or capable of being registered in this State as a
9 Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or Class
10 P (passenger bus) vehicle; and

11 2. Required to be equipped with seat belts under federal motor
12 vehicle safety standards contained in the Code of Federal Regulations.

13 (ii) "Motor vehicle" does not include a Class L (historic) vehicle.

14 (3) "Outboard front seat" means a front seat position that is adjacent to a
15 door of a motor vehicle.

16 (4) (i) "Seat belt" means a restraining device described under § 22-412 of
17 this [article] SUBTITLE.

18 (ii) "Seat belt" includes a combination seat belt-shoulder harness.

19 (b) A person may not operate a motor vehicle unless the person and each
20 occupant under 16 years old are restrained by a seat belt or a child safety seat as provided
21 in § 22-412.2 of this [article] SUBTITLE.

22 (c) (1) The provisions of this subsection apply to a person who is at least 16
23 years old.

24 (2) Unless a person is restrained by a seat belt, the person may not be a
25 passenger in an outboard front seat of a motor vehicle.

26 (3) A person who violates the provisions of this subsection shall be subject
27 to the penalties under Title 27 of this article.

28 (d) If a physician licensed to practice medicine in this State determines and
29 certifies in writing that use of a seat belt by a person would prevent appropriate restraint
30 due to a person's physical disability or other medical reason, the provisions of this section
31 do not apply to the person.

32 (e) A certification under subsection (d) of this section shall state:

33 (1) The nature of the physical disability; and

34 (2) The reason that restraint by a seat belt is inappropriate.

35 (f) The provisions of this section do not apply to U.S. Postal Service and contract
36 carriers while delivering mail to local box routes.

3

1 (g) A violation of this section is not considered a moving violation for purposes of
2 § 16-402 of this article.

3 (h) (1) Failure of an individual to use a seat belt in violation of this section may
4 not:

5 (i) Be considered evidence of negligence;

6 (ii) Be considered evidence of contributory negligence;

7 (iii) Limit liability of a party or an insurer; or

8 (iv) Diminish recovery for damages arising out of the ownership,
9 maintenance, or operation of a motor vehicle.

10 (2) Subject to the provisions of paragraph (3) of this subsection, a party,
11 witness, or counsel may not make reference to a seat belt during a trial of a civil action
12 that involves property damage, personal injury, or death if the damage, injury, or death is
13 not related to the design, manufacture, installation, supplying, or repair of a seat belt.

14 (3) (i) Nothing contained in this subsection may be construed to prohibit
15 the right of a person to institute a civil action for damages against a dealer, manufacturer,
16 distributor, factory branch, or other appropriate entity arising out of an incident that
17 involves a defectively installed or defectively operating seat belt.

18 (ii) In a civil action in which 2 or more parties are named as joint
19 tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint
20 tort-feasors or defendants is not involved in the design, manufacture, installation,
21 supplying, or repair of a seat belt, a court shall order separate trials to accomplish the
22 ends of justice on a motion of any party.

23 (i) The Administration and the Department of State Police shall establish
24 prevention and education programs to encourage compliance with the provisions of this
25 section.

26 (j) The Administration shall include information on this State's experience with
27 the provisions of this section in the annual evaluation report on the State's highway safety
28 plan that this State submits to the National Highway Traffic Safety Administration and
29 the Federal Highway Administration under 23 U.S.C. § 402.

30 [(k) (1) A police officer may enforce the provisions of this section only as a
31 secondary action when the police officer detains a driver of a motor vehicle for a
32 suspected violation of another provision of the Code.

33 (2) Nothing contained in paragraph (1) of this subsection may be construed
34 to limit the enforcement of a violation under § 22-412.2 of this subtitle.]

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1997.

