

HOUSE BILL 151

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R6

1999 Regular Session
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By: **Delegate Getty**

Introduced and read first time: January 28, 1999

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 23, 1999

CHAPTER _____

1 AN ACT concerning

2

Vehicle Laws - Seat Belts

3 FOR the purpose of modifying provisions of the Maryland Vehicle Law to provide that
4 certain requirements pertaining to seat belts be construed to require that
5 combination seat belt-shoulder harnesses be worn in a specified manner;
6 modifying the definition of "seat belt" for certain provisions; and generally
7 relating to the use of combination seat belt-shoulder harnesses when the use of
8 seat belts is required.

9 BY repealing and reenacting, without amendments,
10 Article - Transportation
11 Section 22-412
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1998 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 22-412.2 and 22-412.3
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 1998 Supplement)

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

1

Article - Transportation

2 22-412.

3 (a) Every motor vehicle registered in this State and manufactured or
4 assembled after June 1, 1964, shall be equipped with two sets of seat belts on the
5 front seat of the vehicle.

6 (b) Every motor vehicle registered in this State and manufactured or
7 assembled with a rear seat after June 1, 1969, shall be equipped with two sets of seat
8 belts on the rear seat of the vehicle.

9 (c) A person may not sell or offer for sale any vehicle in violation of this
10 section.

11 (d) For the purpose of this section only, "motor vehicle" does not include any
12 motorcycle, bus, truck, or taxicab.

13 (e) For the purpose of this section [only], "seat belt" means any belt, strap,
14 harness, or like device.

15 (f) A seat belt may not be sold or offered for sale for use in connection with the
16 operation of a motor vehicle in this State after June 1, 1964, unless it meets the
17 current standards and specifications of the Society of Automotive Engineers
18 applicable to these belts or other standard adopted by the Administrator.

19 22-412.2.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) (i) "Child safety seat" means a device that is manufactured in
22 accordance with the 1981 Federal Motor Vehicle Safety Standards and is used to
23 restrain, seat, or position a child who is transported in a motor vehicle.

24 (ii) "Child safety seat" does not mean a seat belt or combination
25 seat belt-shoulder harness.

26 (3) (i) "Seat belt" means a restraining device described under § 22-412
27 of this subtitle.

28 (ii) "Seat belt" includes a combination seat belt-shoulder harness,
29 WITH INTEGRAL, DETACHABLE, OR SEPARATE PELVIC AND UPPER TORSO SECTIONS.

30 (b) A child safety seat meets the requirements of this section only if it is
31 installed and used in accordance with the directions of the manufacturer.

32 (c) This section applies to the transportation of a child in a vehicle registered,
33 or of a type capable of being registered, in this State as a:

34 (1) Class A (passenger) vehicle;

1 (2) Class E (truck) with a manufacturer's rated capacity of 3/4 ton or
2 less, the gross vehicle weight of which does not exceed 7,000 pounds; or

3 (3) Class M (multipurpose) vehicle.

4 (d) A person transporting a child shall secure the child in a child safety seat in
5 accordance with the child safety seat and vehicle manufacturers' instructions if the
6 child:

7 (1) Is under the age of 4 years, regardless of the child's weight; or

8 (2) Weighs 40 pounds or less, regardless of the child's age.

9 (e) (1) A person may not transport a child under the age of 16 years unless
10 the child is secured in:

11 [(1)] (I) A child safety seat in accordance with the child safety seat and
12 vehicle manufacturers' instructions; or

13 [(2)] (II) A seat belt.

14 (2) **IF A SEAT IS EQUIPPED WITH A COMBINATION SEAT
15 BELT-SHOULDER HARNESS, PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE
16 CONSTRUED TO REQUIRE THAT THE SEAT BELT BE WORN IN A MANNER TO PROTECT
17 BOTH THE PELVIC AND UPPER TORSO PORTIONS OF THE BODY.**

18 (f) If a physician, who is licensed to practice medicine in the state in which the
19 vehicle transporting the child is registered, certifies in writing that use of a child
20 safety seat by a particular child would be impractical due to the child's weight,
21 physical unfitness, or other medical reason, there is not a violation of this section.

22 (g) A child safety seat or seat belt may not be used to restrain, seat, or position
23 more than 1 individual at a time.

24 (h) If the number of children subject to the provisions of this section exceeds
25 the number of passenger securing locations available for use by children affected by
26 this section, and all of those securing locations are in use by children, there is not a
27 violation of this section.

28 (i) A violation of this section is not contributory negligence and may not be
29 admitted as evidence in the trial of any civil action.

30 (j) A violation of this section is not considered a moving violation for purposes
31 of § 16-402 of this article.

32 (k) The failure to provide a child safety seat or seat belt for more than 1 child
33 in the same vehicle at the same time, as required by this section, shall be treated as
34 a single violation.

35 (l) (1) Any person convicted of a violation of this section is subject to a fine
36 of \$25.

1 (2) A judge may waive the fine if the person charged with violation of
2 this section:

3 (i) Did not possess a child safety seat at the time of the violation;

4 (ii) Acquires a child safety seat prior to the hearing date; and

5 (iii) Provides proof of acquisition to the court.

6 (m) The Department of Transportation and the Department of Health and
7 Mental Hygiene shall jointly implement the Child Safety Seat Program and foster
8 compliance with this section through educational and promotional efforts.

9 22-412.3.

10 (a) (1) In this section the following words have the meanings indicated.

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

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

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

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

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

20 (4) (i) "Seat belt" means a restraining device described under § 22-412
21 of this subtitle.

22 (ii) "Seat belt" includes a combination seat belt-shoulder harness,
23 WITH INTEGRAL, DETACHABLE, OR SEPARATE PELVIC AND UPPER TORSO SECTIONS.

24 (b) A person may not operate a motor vehicle unless the person and each
25 occupant under 16 years old are restrained by a seat belt or a child safety seat as
26 provided in § 22-412.2 of this subtitle.

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

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

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

1 (d) IF A SEAT IS EQUIPPED WITH A COMBINATION SEAT BELT-SHOULDER
2 HARNESS, SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL BE CONSTRUED TO
3 REQUIRE THAT THE SEAT BELT BE WORN IN A MANNER TO PROTECT BOTH THE
4 PELVIC AND UPPER TORSO PORTIONS OF THE BODY.

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

9 [(e)] (F) A certification under subsection [(d)] (E) of this section shall state:

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

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

12 [(f)] (G) The provisions of this section do not apply to U.S. Postal Service and
13 contract carriers while delivering mail to local box routes.

14 [(g)] (H) A violation of this section is not considered a moving violation for
15 purposes of § 16-402 of this article.

16 [(h)] (I) (1) Failure of an individual to use a seat belt in violation of this
17 section may not:

18 (i) Be considered evidence of negligence;

19 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

1 [(i)] (J) The Administration and the Department of State Police shall
2 establish prevention and education programs to encourage compliance with the
3 provisions of this section.

4 [(j)] (K) The Administration shall include information on this State's
5 experience with the provisions of this section in the annual evaluation report on the
6 State's highway safety plan that this State submits to the National Highway Traffic
7 Safety Administration and the Federal Highway Administration under 23 U.S.C. §
8 402.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1999.