

HOUSE BILL 1473

F1, R6, R7

6lr1287

By: **Delegates Fraser–Hidalgo, Hill, Holmes, Kelly, Lam, Reznik, S. Robinson,
Smith, Turner, and Waldstreicher**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – School Vehicles – Three–Point Seat Belts**

3 FOR the purpose of requiring the public school safety education program to include student
4 instruction concerning school vehicle safety and the proper use of seat belts on school
5 vehicles; prohibiting certain persons from allowing pupils to stand in a school vehicle
6 while the school vehicle is in motion; requiring certain school vehicles purchased
7 after a certain date to be equipped with certain seat belts; prohibiting a person from
8 operating a certain school vehicle unless the person and each occupant under a
9 certain age are restrained by a seat belt; altering certain definitions; making certain
10 stylistic and conforming changes; providing for a delayed effective date; and
11 generally relating to the use of seat belts in certain school vehicles.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 7–410
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2015 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Transportation
19 Section 11–153, 11–154, 11–173, and 11–174
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2015 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Transportation
24 Section 16–113(d–1), 21–1118, 22–412, 22–412.1, and 22–412.3
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 7–410.

5 (A) Each public school shall have a program of safety education that is organized
6 and administered under the bylaws, rules, and regulations of the State Board.

7 (B) **THE PROGRAM OF SAFETY EDUCATION REQUIRED UNDER SUBSECTION**
8 **(A) OF THIS SECTION SHALL INCLUDE STUDENT INSTRUCTION ON SCHOOL VEHICLE**
9 **SAFETY AND THE PROPER USE OF SEAT BELTS ON SCHOOL VEHICLES.**

10 **Article – Transportation**

11 11–153.

12 “School bus” means a Type I school vehicle, as defined in this subtitle.

13 11–154.

14 (a) “School vehicle” means, except as provided in subsection (b) of this section,
15 any motor vehicle that:

16 (1) Is used regularly for the exclusive transportation of children, students,
17 or teachers for educational purposes or in connection with a school activity; and

18 (2) Is either:

19 (i) A Type I school vehicle, as defined in this subtitle; or

20 (ii) A Type II school vehicle, as defined in this subtitle.

21 (b) “School vehicle” does not include:

22 (1) A privately owned vehicle while it is carrying members of its owner’s
23 household and not operated for compensation; or

24 (2) A vehicle that is registered as a Class M (multipurpose) vehicle under
25 § 13–937 of this article or a Class A (passenger) vehicle under § 13–912 of this article and
26 used to transport children between one or more schools or licensed child care centers or to
27 and from designated areas that are approved by the Administration if:

28 (i) The vehicle is designed for carrying 15 persons or less, including
29 the driver;

1 (ii) The children are permitted to embark or exit the vehicle only at
2 a school or child care center or a designated area approved by the Administration;

3 (iii) The owner has obtained vehicle liability insurance or other
4 security as required by Title 17 of this article; and

5 (iv) The vehicle is equipped with proper seat belts or safety seats so
6 as to permit each child to be secured in a seat belt or a safety seat as required by §§
7 22-412.2 and 22-412.3 of this article.

8 11-173.

9 (a) "Type I school vehicle" means a school vehicle that:

10 (1) Is designed and constructed to carry passengers;

11 (2) Is either of the body-on-chassis type construction or integral type
12 construction; and

13 (3) Has a gross vehicle weight of more than 15,000 pounds and provides a
14 minimum of 13 inches of seating space per passenger.

15 (b) "Type I school vehicle" does not include any bus operated by a common carrier
16 under the jurisdiction of a State, regional, or federal regulatory agency or operated by the
17 agency itself.

18 11-174.

19 "Type II school vehicle" means a school vehicle that:

20 (1) Is designed and constructed to carry passengers;

21 (2) Is either of the body-on-chassis type construction or integral type
22 construction; and

23 (3) Has a gross vehicle weight of 15,000 pounds or less and provides a
24 minimum of 13 inches of seating space per passenger.

25 16-113.

26 (d-1) (1) Notwithstanding the licensee's driving record, and subject to paragraph
27 (2) of this subsection, the Administration shall impose a restriction on each provisional
28 driver's license prohibiting the licensee from operating a motor vehicle if the driver and
29 each passenger in the motor vehicle are not restrained by a seat belt or, in accordance with
30 § 22-412.2 of this article, by a child safety seat.

1 (2) It is not a violation of the restriction under paragraph (1) of this
2 subsection if an individual covered by a medical exception under § 22–412.2(f) or [§
3 22–412.3(d) and (e)] **§ 22–412.3(E) AND (F)** of this article is not restrained.

4 (3) The restrictions under paragraph (1) of this subsection expire on the
5 date that the holder of a provisional license turns 18 years of age.

6 21–1118.

7 (a) The driver of a school bus:

8 (1) Is responsible for its operation; and

9 (2) May not drive it into any roadway without first stopping and
10 determining that there is no danger from any other vehicle.

11 (b) The person responsible for any pupils on a school bus is:

12 (1) The teacher on the bus; or

13 (2) If a teacher is not present, the driver.

14 (c) [A person responsible for pupils on a school bus may not permit the number
15 of standing pupils to exceed one pupil for each part of the aisle that is bounded on both
16 sides by forward facing seats.

17 (d) A person responsible for pupils on a school bus may not permit any pupil to
18 stand if the school bus is equipped only with lengthwise or a combination of lengthwise and
19 forward facing seats.

20 (e) A person responsible for pupils on a school bus may not permit any pupil to
21 stand in front of the stanchion and guardrail] **A PERSON RESPONSIBLE FOR PUPILS ON
22 A SCHOOL VEHICLE MAY NOT ALLOW ANY PUPIL TO STAND WHILE THE SCHOOL
23 VEHICLE IS IN MOTION.**

24 [(f)] **(D)** A person responsible for pupils on a school bus may not [permit]
25 **ALLOW** any pupil to operate the front door opening mechanism, except in an emergency.

26 [(g)] **(E)** A person responsible for pupils on a school bus may not require any
27 pupil to sit on the floor.

28 [(h)] **(F)** Except for the driver and any fuel station attendant, a person may not
29 occupy a school bus while it is being supplied with fuel.

1 **[(i)] (G)** Either the driver or an adult aide assigned to each school vehicle that
2 is used to transport handicapped children shall be certified as having successfully
3 completed a first aid–safety course approved by the Department of Education.

4 22–412.

5 **(A)** **IN THIS SECTION, “SEAT BELT” MEANS ANY BELT, STRAP, HARNESS, OR**
6 **LIKE DEVICE.**

7 **(B) (1)** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
8 **THIS SECTION DOES NOT APPLY TO A MOTORCYCLE, TRUCK, TAXICAB, OR BUS.**

9 **(2)** **THIS SECTION APPLIES TO A BUS THAT IS A SCHOOL VEHICLE.**

10 **[(a)] (C)** **[Every] SUBJECT TO SUBSECTION (E) OF THIS SECTION, EVERY**
11 motor vehicle registered in this State and manufactured or assembled after June 1, 1964,
12 shall be equipped with two sets of seat belts on the front seat of the vehicle.

13 **[(b)] (D)** Every motor vehicle registered in this State and manufactured or
14 assembled with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts
15 on the rear seat of the vehicle.

16 **[(c)] (E)** **EVERY SCHOOL VEHICLE PURCHASED AFTER JANUARY 1, 2018,**
17 **AND REGISTERED IN THE STATE SHALL BE EQUIPPED WITH THREE–POINT SEAT**
18 **BELTS FOR EVERY SEAT ON THE SCHOOL VEHICLE.**

19 **(F)** A person may not sell or offer for sale any vehicle in violation of this section.

20 **[(d)]** For the purpose of this section only, “motor vehicle” does not include any
21 motorcycle, bus, truck, or taxicab.

22 **(e)** For the purpose of this section only, “seat belt” means any belt, strap, harness,
23 or like device.

24 **[(f)] (G)** A seat belt may not be sold or offered for sale for use in connection with
25 the operation of a motor vehicle in this State after June 1, 1964, unless it meets applicable
26 federal motor vehicle safety standards.

27 22–412.1.

28 Every motor vehicle that is used by nursery schools, camps, day nurseries, or child
29 care centers for children with an intellectual disability to transport children shall be
30 equipped with seat belts for each seat and shall be subject to any other regulations adopted
31 by the Administration[, unless the motor vehicle:

1 (1) Is a Type I school vehicle; or

2 (2) Was formerly registered as a Type I school vehicle].

3 22–412.3.

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

5 (2) [(i) “Motor vehicle” means a vehicle that is:

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

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

11 (ii) “Motor vehicle” does not include a Class L (historic) vehicle.

12 (3)] “Outboard front seat” means a front seat position that is adjacent to a
13 door of a motor vehicle.

14 [(4)] (3) (i) “Seat belt” means a restraining device described under §
15 22–412 of this subtitle.

16 (ii) “Seat belt” includes a **THREE–POINT SEAT BELT AND**
17 combination seat belt–shoulder harness.

18 (b) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
19 **THIS SECTION APPLIES TO A MOTOR VEHICLE THAT IS:**

20 (i) 1. **REGISTERED OR CAPABLE OF BEING REGISTERED IN**
21 **THIS STATE AS A CLASS A (PASSENGER), CLASS E (TRUCK), CLASS F (TRACTOR),**
22 **CLASS M (MULTIPURPOSE), OR CLASS P (PASSENGER BUS) VEHICLE; AND**

23 2. **REQUIRED TO BE EQUIPPED WITH SEAT BELTS UNDER**
24 **FEDERAL MOTOR VEHICLE SAFETY STANDARDS CONTAINED IN THE CODE OF**
25 **FEDERAL REGULATIONS; OR**

26 (ii) **REGISTERED AS A CLASS H (SCHOOL) VEHICLE.**

27 (2) **THIS SECTION DOES NOT APPLY TO A CLASS L (HISTORIC)**
28 **VEHICLE.**

1 **(C) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** A person
2 may not operate a motor vehicle unless the person and each occupant under 16 years old
3 are restrained by a seat belt or a child safety seat as provided in § 22–412.2 of this subtitle.

4 **(2) A PERSON MAY NOT OPERATE A CLASS H (SCHOOL) VEHICLE**
5 **THAT IS EQUIPPED WITH THREE–POINT SEATBELTS IN ACCORDANCE WITH § 22–412**
6 **OF THIS SUBTITLE UNLESS THE PERSON AND EACH OCCUPANT UNDER 16 YEARS OLD**
7 **ARE RESTRAINED BY A THREE–POINT SEAT BELT.**

8 **[(c)] (D) (1)** The provisions of this subsection apply to a person who is at least
9 16 years old.

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

12 (3) (i) Unless a person is restrained by a seat belt, the person may not
13 be a passenger in a rear seat of a motor vehicle.

14 (ii) A police officer may enforce this paragraph only as a secondary
15 action when the police officer detains a driver of a motor vehicle for a suspected violation
16 of another provision of the Code.

17 **[(d)] (E)** If a physician licensed to practice medicine in this State determines and
18 certifies in writing that use of a seat belt by a person would prevent appropriate restraint
19 due to a person’s physical disability or other medical reason, the provisions of this section
20 do not apply to the person.

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

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

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

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

26 **[(g)] (H)** A violation of this section is not considered a moving violation for
27 purposes of § 16–402 of this article.

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

30 (i) Be considered evidence of negligence;

31 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

17 **[(i)] (J)** The Administration and the Department of State Police shall establish
18 prevention and education programs to encourage compliance with the provisions of this
19 section.

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

24 **[(k)] (L)** Any person convicted of a violation of this section is subject to a fine of
25 not more than \$50.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 January 1, 2018.