

HOUSE BILL 1285

R6, R5
HB 373/16 – ENV

7lr0424

By: **Delegates Stein, Fraser–Hidalgo, and Frush**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Passenger Seat Belt Requirement – Primary Offense**

3 FOR the purpose of making the failure to wear a seat belt in a rear passenger seat of a
4 motor vehicle a primary offense rather than a secondary offense; requiring a certain
5 motor vehicle passenger in a front seat position that is not adjacent to a door of the
6 motor vehicle to be restrained by a seat belt; requiring the Police Training and
7 Standards Commission to report to the General Assembly on or before a certain date;
8 making conforming changes; and generally relating to seat belt requirements for
9 passengers in motor vehicles.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 22–412.3(a) and (c)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2016 Supplement)

15 Preamble

16 WHEREAS, In 2015, traffic fatalities in Maryland rose fourteen percent, marking
17 the largest number of lives lost since 2009; and

18 WHEREAS, The Motor Vehicle Administration cites a lack of seat belt use as one of
19 the top five contributing factors to fatal crashes in the State; and

20 WHEREAS, Each year, on average, more than 4,800 crashes occur in the State where
21 at least one occupant is reported as unrestrained; and

22 WHEREAS, According to the National Highway Traffic Safety Administration,
23 unrestrained passenger vehicle occupants killed on State roadways accounted for
24 thirty–two percent of passenger vehicle fatalities in which restraint use was known in 2015;
25 and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, It is the intent of the General Assembly to strengthen the enforcement
2 of mandatory seat belt use laws in order to increase the survival rates of individuals
3 involved in vehicular crashes on State roadways, reduce the severity of vehicular crash
4 injuries, and curb the escalating costs of health care, workers' compensation, and other
5 insurance-related expenditures associated with motor vehicle crashes; and

6 WHEREAS, The General Assembly intends to enhance the safety of motorists on the
7 State's roadways by establishing primary enforcement of seat belt laws for all seating
8 positions, but does not intend to expand in any way the circumstances under which a law
9 enforcement officer may lawfully inspect or search a vehicle or the vehicle's contents, driver,
10 or passengers; now, therefore,

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

13 **Article – Transportation**

14 22–412.3.

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

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

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

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

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

23 (3) [“Outboard front seat” means a front seat position that is adjacent to a
24 door of a motor vehicle.

25 (4)] (i) “Seat belt” means a restraining device described under § 22–412
26 of this subtitle.

27 (ii) “Seat belt” includes a combination seat belt–shoulder harness.

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

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,
7 2019, the Police Training and Standards Commission shall report to the General Assembly,
8 in accordance with § 2–1246 of the State Government Article, traffic stop data collected
9 under § 25–113 of the Transportation Article comparing traffic stops made under this Act
10 with traffic stops conducted in the two years prior to this Act taking effect where the failure
11 to wear a seatbelt was cited as a violation.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2017.