

Department of Legislative Services  
 Maryland General Assembly  
 2018 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

House Bill 1403

(Delegate Fraser-Hidalgo, *et al.*)

Environment and Transportation

Judicial Proceedings

Motor Vehicles – Failure to Use Seat Belts – Penalties

This bill establishes a fine of \$50 for violations of the seat belt requirement in Maryland Vehicle Law. Court costs must be included in the fine.

Fiscal Summary

**State Effect:** General fund revenues decrease by at least \$458,800 in FY 2019. Out-years reflect annualization and assume no changes in citations issued or the court costs assessed. Enforcement can be handled with existing resources.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
GF Revenue	(\$458,800)	(\$611,700)	(\$611,700)	(\$611,700)	(\$611,700)
Expenditure	0	0	0	0	0
Net Effect	(\$458,800)	(\$611,700)	(\$611,700)	(\$611,700)	(\$611,700)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Enforcement can be handled with existing resources. Revenues are not affected.

**Small Business Effect:** None.

Analysis

**Current Law:** Seat belts are required for any person operating a motor vehicle and any passengers younger than age 16. Persons age 16 or older riding as a passenger in an outboard front seat of a motor vehicle or in the rear of a motor vehicle must also be restrained by a seat belt. Violation of the rear seat passenger seat belt requirement for persons age 16 and older is a secondary offense.

The mandatory seat belt provisions do not apply to a person if a Maryland licensed physician determines and certifies in writing that the person's disability or another medical reason prevents appropriate restraint by a seat belt. A violation of the mandatory use of seat belts provision is not evidence of negligence or contributory negligence and may not be admitted as evidence in any civil trial. It is also not a moving violation for which points may be assessed.

A violation of the Maryland Vehicle Law is a misdemeanor that carries a maximum penalty of \$500, unless otherwise specified by a separate penalty. The \$50 penalty specified in statute for violating the mandatory seat belt requirement does not include court costs. The prepaid fine for violating the mandatory seat belt requirement is \$83, which reflects court costs.

**Background:** Chapter 179 of 2013 increased the maximum fine for a mandatory seat belt violation from \$25 to \$50 and repealed the provision that court costs are included in the fine.

According to the Governors Highway Safety Association and the National Conference of State Legislatures, 49 states and the District of Columbia mandate the use of seat belts. The District of Columbia and 34 states, including Maryland, Delaware, and New Jersey, require primary enforcement of seat belt laws for at least front seat occupants. The remaining 15 states, including Pennsylvania and Virginia, require secondary enforcement only. New Hampshire is the only state that does not mandate use of seat belts for adults in motor vehicles. New Hampshire does, however, have a child passenger safety law that covers children younger than age 18 and is subject to primary enforcement.

In the Maryland Strategic Highway Safety Plan for 2016 to 2020, issued in February 2016 (the latest report available), the Maryland Department of Transportation (MDOT) reports that an average of 166 unrestrained motorists are killed in Maryland traffic crashes annually, and an average of 315 people are seriously injured annually. While the nonuse of personal restraint or protective equipment is not usually a contributing factor to a motor vehicle crash, the severity of personal injuries and the occurrence of fatalities can be greatly affected by the use or nonuse of occupant protection safety equipment. In 2014, MDOT reports that the State seat belt usage rate was recorded at 92.1%, an increase from the 90.7% seat belt usage rate recorded for 2013.

**State Revenues:** General fund revenues decrease by at least \$458,804 in fiscal 2019, accounting for the bill's October 1, 2018 effective date, due to the requirement that court costs be included in the penalty assessed. General fund revenues decrease annually thereafter by at least \$611,738. This estimate is based on the following assumptions:

- the number of mandatory seat belt citations is based on a two-year average of citations issued that were prepaid and the total number of citations issued for each violation does not change;
- court costs of \$33 remain unchanged but are not paid in addition to the penalty – rather they are deducted from the \$50 penalty and continue to be distributed in accordance with State law;
- accordingly, general fund revenues decrease by \$33 for each prepaid citation; and
- fines that may be assessed in court if an individual elects a trial are not included; any fine revenues accrued from trials decrease accordingly.

**Exhibit 1** shows the prepaid citations for the child safety seat and seat belt violations specified in the bill for fiscal 2016 and 2017. If the actual number of citations differs from the two-year average, the general fund revenue decreases fluctuate accordingly.

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**Exhibit 1**  
**Enforcement of Seat Belt and Child Safety Seat Provisions**  
**Fiscal 2016-2017**

<u>Citation</u>	<u>FY 2016</u>	<u>FY 2017</u>
Operating a Motor Vehicle with an Individual Younger than Age 16 Unrestrained by a Seat Belt or Child Safety Seat Total Citations Prepaid	17,547	16,317
Passenger Age 16 or Older in Outboard Front Seat Not Restrained by Seat Belt Total Citations Prepaid	1,111	1,037
Passenger Age 16 or Older in Rear Seat of Vehicle Not Restrained by Seat Belt Total Citations Prepaid	544	519
<b>Total Safety Seat and Seat Belt Violations</b>	<b>19,202</b>	<b>17,873</b>
<b>Total Prepaid Fines for Safety Seat and Seat Belt Violations</b>	<b>\$1,593,766</b>	<b>\$1,483,459</b>

Source: District Court of Maryland

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General fund revenues are also generated from a portion of the \$33 assessed in court costs for traffic cases, and the remainder is allocated to several special funds related to public safety. However the bill's changes do not affect this source of revenue.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Maryland Strategic Highway Safety Plan; National Conference of State Legislatures; Governors Highway Safety Association; Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2018  
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