
By: Senators Ruben, Collins, Jimeno, Kelley, Forehand, and Middleton

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Child Safety Seat and Seat Belt Use**

3 FOR the purpose of requiring a person transporting a child under a certain age in a
4 motor vehicle to secure the child in a child safety seat or seat belt; clarifying the age
5 and weight provisions under the child safety seat law; and generally relating to the
6 use of child safety seats and seat belts.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 22-412.2 and 22-412.3(b)
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 22-412.3(a)
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1995 Supplement)

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

19 **Article - Transportation**

20 22-412.2.

21 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) (I) "[child] CHILD safety seat" means a device that is manufactured
24 in accordance with the 1981 Federal Motor Vehicle Safety Standards and is used to
25 restrain, seat, or position a child who is transported in a motor vehicle.

26 [(2)] (II) "Child safety seat" does not mean a seat belt or combination seat
27 belt-shoulder harness.

28 (3) (I) "SEAT BELT" MEANS A RESTRAINING DEVICE DESCRIBED
29 UNDER § 22-412 OF THIS SUBTITLE.

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1 (II) "SEAT BELT" INCLUDES A COMBINATION SEAT
2 BELT-SHOULDER HARNESS.

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

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

7 (1) Class A (passenger) vehicle;

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

10 (3) Class M (multipurpose) vehicle.

11 (d) [Any person transporting a child under the age of 4 or weighing 40 pounds or
12 less shall position and secure the child in a child safety seat.] A PERSON TRANSPORTING
13 A CHILD SHALL SECURE THE CHILD IN A CHILD SAFETY SEAT IN ACCORDANCE WITH
14 THE CHILD SAFETY SEAT AND VEHICLE MANUFACTURERS' INSTRUCTIONS IF THE
15 CHILD:

16 (1) IS UNDER THE AGE OF 4 YEARS, REGARDLESS OF THE CHILD'S
17 WEIGHT; OR

18 (2) WEIGHS 40 POUNDS OR LESS, REGARDLESS OF THE CHILD'S AGE.

19 (e) [Subject to the provisions of subsection (d) of this section, any person
20 transporting a child weighing more than 40 pounds and who is less than 10 years of age
21 shall:

22 (1) Position and secure the child in a child safety seat; or

23 (2) Seat and secure the child in a properly fastened seat belt or combination
24 seat belt-shoulder harness.] A PERSON MAY NOT TRANSPORT A CHILD UNDER THE
25 AGE OF 16 YEARS UNLESS THE CHILD IS SECURED IN:

26 (1) A CHILD SAFETY SEAT IN ACCORDANCE WITH THE CHILD SAFETY
27 SEAT AND VEHICLE MANUFACTURERS' INSTRUCTIONS; OR

28 (2) A SEAT BELT.

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

33 (g) A child safety seat[,] OR seat belt [or combination seat belt-shoulder
34 harness] may not be used to restrain, seat, or position more than 1 individual at a time.

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

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

3 (j) A violation of this section is not considered a moving violation for purposes of
4 § 16-402 of this article.

5 (k) The failure to provide a child safety seat[,] OR seat belt[, or combination
6 seat belt-shoulder harness] for more than 1 child in the same vehicle at the same time, as
7 required by this section, shall be treated as a single violation.

8 (l) (1) Any person convicted of a violation of this section is subject to a fine of
9 \$25.

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

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

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

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

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

18 22-412.3.

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

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

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

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

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

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

29 (4) (i) "Seat belt" means a restraining device described under § 22-412 of
30 this article.

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1996.

