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

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 28, 1996

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CHAPTER \_\_\_\_

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.

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

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

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

8 (II) "SEAT BELT" INCLUDES A COMBINATION SEAT  
9 BELT-SHOULDER HARNESS.

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

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

14 (1) Class A (passenger) vehicle;

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

17 (3) Class M (multipurpose) vehicle.

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

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

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

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

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

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

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

35 (2) A SEAT BELT.

36 (f) If a physician, who is licensed to practice medicine in the state in which the  
37 vehicle transporting the child is registered, certifies in writing that use of a child safety

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1 seat by a particular child would be impractical due to the child's weight, physical  
2 unfit, or other medical reason, there is not a violation of this section.

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

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

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

11 (j) A violation of this section is not considered a moving violation for purposes of  
12 § 16-402 of this article.

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

16 (l) (1) Any person convicted of a violation of this section is subject to a fine of  
17 \$25.

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

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

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

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

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

26 22-412.3.

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

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

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

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

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

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

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

3                   (ii) "Seat belt" includes a combination seat belt-shoulderharness.

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

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