

BY: Delegate Owings

AMENDMENTS TO HOUSE BILL NO. 816, AS AMENDED  
(First Reading File Bill)

AMENDMENT NO. 1

In the Commerce and Government Matters Committee Amendments (HB0816/476150/1), in line 1 of Amendment No. 1, strike "Seat Belt Offenses" and substitute "Seat Belts".

On page 1 of the bill, in line 2, strike "- Enforcement"; in line 3, after the first "of" insert "requiring that taxicabs be equipped with two sets of seat belts in both the front and rear seats; requiring that seat belts be easily accessible and in good working condition; clarifying that a passenger in a taxicab is not required to be restrained by a seat belt; clarifying that a driver may drive a taxicab when a passenger is not restrained by a seat belt; establishing that failure of a passenger to use a seat belt may not be considered evidence of negligence or contributory negligence, limit certain liability, or diminish recovery for certain damages in a civil action for damages; prohibiting certain persons from making reference to a seat belt during certain trials; requiring a court to order separate trials for joint tort-feasors or defendants in a civil action under certain circumstances; requiring an inspection by a certain date to verify that taxicabs are equipped with seat belts;"; in line 8, after "to" insert "making seat belts available to passengers in taxicabs and to"; and in line 12, after "Section" insert "22-412 and".

AMENDMENT NO. 2

On page 1 of the bill, after line 17, insert:

22-412.

(a) Every motor vehicle registered in this State and manufactured or assembled after June 1, 1964, shall be equipped with two sets of seat belts on the front seat of the vehicle.

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

(Over)

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

(d) (1) IN THIS SECTION, "MOTOR VEHICLE" INCLUDES A TAXICAB.

(2) For the purpose of this section only, "motor vehicle" does not include [any] A motorcycle, bus, OR truck[, or taxicab].

(e) For the purpose of this section only, "seat belt" means any belt, strap, harness, or like device.

(f) A seat belt may not be sold or offered for sale for use in connection with the operation of a motor vehicle in this State after June 1, 1964, unless it meets the current standards and specifications of the Society of Automotive Engineers applicable to these belts or other standard adopted by the Administrator.

(G) (1) EACH SEAT BELT IN A TAXICAB SHALL BE EASILY ACCESSIBLE AND IN GOOD WORKING ORDER.

(2) (I) THIS SECTION DOES NOT REQUIRE A PASSENGER IN A TAXICAB TO BE RESTRAINED BY A SEAT BELT WHILE THE TAXICAB IS IN MOTION.

(II) THIS SECTION DOES NOT PROHIBIT A DRIVER OF A TAXICAB FROM OPERATING THE TAXICAB WHILE A PASSENGER IN THE TAXICAB IS NOT RESTRAINED BY A SEAT BELT.

(3) FAILURE OF A PASSENGER IN A TAXICAB TO USE A SEAT BELT MAY NOT:

(I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;

(II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY NEGLIGENCE;

(III) LIMIT THE LIABILITY OF A PARTY OR AN INSURER; OR

(IV) DIMINISH RECOVERY FOR DAMAGE ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR OPERATION OF A TAXICAB.

(4) SUBJECT TO THE PROVISIONS OF PARAGRAPH (5) OF THIS SUBSECTION, A PARTY, WITNESS, OR COUNSEL MAY NOT MAKE REFERENCE TO A SEAT BELT DURING A TRIAL OF A CIVIL ACTION THAT INVOLVES PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH IF THE DAMAGE, INJURY, OR DEATH IS NOT RELATED TO THE DESIGN, MANUFACTURE, INSTALLATION, SUPPLYING, OR REPAIR OF A SEAT BELT.

(5) (I) NOTHING CONTAINED IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT THE RIGHT OF A PERSON TO INSTITUTE A CIVIL ACTION FOR DAMAGES AGAINST A DEALER, MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR OTHER APPROPRIATE ENTITY ARISING OUT OF AN ACCIDENT THAT INVOLVES A DEFECTIVELY INSTALLED OR DEFECTIVELY OPERATING SEAT BELT.

(II) IN A CIVIL ACTION IN WHICH TWO OR MORE PARTIES ARE NAMED AS JOINT TORT-FEASORS, INTERPLEADED AS DEFENDANTS, OR IMPEADED AS DEFENDANTS, AND ONE OF THE JOINT TORT-FEASORS OR DEFENDANTS IS NOT INVOLVED IN THE DESIGN, MANUFACTURE, INSTALLATION, SUPPLYING, OR REPAIR OF A SEAT BELT, A COURT SHALL ORDER SEPARATE TRIALS TO ACCOMPLISH THE ENDS OF JUSTICE ON THE MOTION OF A PARTY.”.

AMENDMENT NO. 3

On page 3 of the bill, after line 23, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, by January 1, 1998, each taxicab in the State shall be inspected to verify that it is equipped with seat belts as required by § 22-412 of the Transportation Article, as enacted by this Act.”;

and in line 24, strike “2.” and substitute “3.”.