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**By: Delegates Frank, Benson, Bobo, Kagan, Montague, and Harrison**

Introduced and read first time: January 24, 1997

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Taxicabs - Availability of Seat Belts for Passengers**

3 FOR the purpose of requiring that taxicabs be equipped with two sets of seat belts in both  
4 the front and rear seats; requiring that seat belts be easily accessible and in good  
5 working condition; clarifying that a passenger in a taxicab is not required to be  
6 restrained by a seat belt; clarifying that a driver may drive a taxicab when a  
7 passenger is not restrained by a seat belt; establishing that failure of a passenger to  
8 use a seat belt may not be considered evidence of negligence or contributory  
9 negligence, limit certain liability, or diminish recovery for certain damages in a civil  
10 action for damages; prohibiting certain persons from making reference to a seat belt  
11 during certain trials; requiring a court to order separate trials for joint tort-feasors  
12 or defendants in a civil action under certain circumstances; requiring an inspection  
13 by a certain date to verify that taxicabs are equipped with seat belts; making a  
14 stylistic change; and generally relating to the availability of seat belts for passengers  
15 in taxicabs.

16 BY repealing and reenacting, with amendments,  
17 Article - Transportation  
18 Section 22-412  
19 Annotated Code of Maryland  
20 (1992 Replacement Volume and 1996 Supplement)

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

23 **Article - Transportation**

24 22-412.

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

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

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

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

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

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

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

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

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

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

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

19 (I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;

20 (II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY NEGLIGENCE;

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

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

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

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

35 (II) IN A CIVIL ACTION IN WHICH TWO OR MORE PARTIES ARE  
36 NAMED AS JOINT TORT-FEASORS, INTERPLEADED AS DEFENDANTS, OR IMPEADED  
37 AS DEFENDANTS, AND ONE OF THE JOINT TORT-FEASORS OR DEFENDANTS IS NOT  
38 INVOLVED IN THE DESIGN, MANUFACTURE, INSTALLATION, SUPPLYING, OR REPAIR

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1 OF A SEAT BELT, A COURT SHALL ORDER SEPARATE TRIALS TO ACCOMPLISH THE  
2 ENDS OF JUSTICE ON THE MOTION OF A PARTY.

3           SECTION 2. AND BE IT FURTHER ENACTED, That, by July 1, 1997, each  
4 taxicab in the State shall be inspected to verify that it is equipped with seat belts as  
5 required by § 22-412 of the Transportation Article, as enacted by this Act.

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 June 1, 1997.