

---

**By: Delegates Benson, Rudolph, W. Baker, Hurson, Willis, Mandel, Genn, Hixson, Goldwater, Malone, and Morhaim**

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 1997

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - ~~Mandatory Seat Belt Use~~ Seat Belt Offenses - Enforcement**

3 FOR the purpose of repealing a provision of law that limits a police officer to enforcing  
 4 a violation of certain mandatory seat belt use laws only as a secondary action when  
 5 the police officer detains a driver suspected of violating another provision of law;  
 6 ~~clarifying that a police officer may not inspect or search a vehicle, its contents, its~~  
 7 ~~driver, or its passengers solely because of a violation of the requirement to use a~~  
 8 ~~seat belt;~~ making stylistic changes; and generally relating to the enforcement of laws  
 9 requiring the use of seat belts.

10 BY repealing and reenacting, with amendments,  
 11 Article - Transportation  
 12 Section 22-412.3  
 13 Annotated Code of Maryland  
 14 (1992 Replacement Volume and 1996 Supplement)

15 Preamble

16 WHEREAS, It is the intent of the General Assembly to strengthen the enforcement  
 17 of mandatory seat belt use laws in order to increase the survival rates of individuals  
 18 involved in vehicular accidents on Maryland's highways, reduce the severity of vehicular  
 19 accident injuries, and curb the escalating costs of health care, workers' compensation, and  
 20 other insurance-related expenditures associated with motor vehicle accidents; and

21 WHEREAS, By providing for the primary enforcement of seat belt laws, the  
 22 General Assembly intends to enhance the safety of motorists on the State's highways, but  
 23 does not intend to expand in any way the circumstances under which a law enforcement

2

1 officer may lawfully inspect or search a motor vehicle or the vehicle's contents, driver, or  
2 passengers; now, therefore.

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

5 **Article - Transportation**

6 22-412.3.

7 (a) (1) In this [section,] SECTION the following words have the meanings  
8 indicated.

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

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

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

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

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

18 (4) (i) "Seat belt" means a restraining device described under § 22-412 of  
19 this ~~article~~ SUBTITLE.

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

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

24 (c) (1) The provisions of this subsection apply to a person who is at least 16  
25 years old.

26 (2) Unless a person is restrained by a seat belt, the person may not be a  
27 passenger in an outboard front seat of a motor vehicle.

28 (3) A person who violates the provisions of this subsection shall be subject  
29 to the penalties under Title 27 of this article.

30 (d) If a physician licensed to practice medicine in this State determines and  
31 certifies in writing that use of a seat belt by a person would prevent appropriate restraint  
32 due to a person's physical disability or other medical reason, the provisions of this section  
33 do not apply to the person.

34 (e) A certification under subsection (d) of this section shall state:

35 (1) The nature of the physical disability; and

36 (2) The reason that restraint by a seat belt is inappropriate.

3

1 (f) The provisions of this section do not apply to U.S. Postal Service and contract  
2 carriers while delivering mail to local box routes.

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

5 (h) (1) Failure of an individual to use a seat belt in violation of this section may  
6 not:

7 (i) Be considered evidence of negligence;

8 (ii) Be considered evidence of contributory negligence;

9 (iii) Limit liability of a party or an insurer; or

10 (iv) Diminish recovery for damages arising out of the ownership,  
11 maintenance, or operation of a motor vehicle.

12 (2) Subject to the provisions of paragraph (3) of this subsection, a party,  
13 witness, or counsel may not make reference to a seat belt during a trial of a civil action  
14 that involves property damage, personal injury, or death if the damage, injury, or death is  
15 not related to the design, manufacture, installation, supplying, or repair of a seat belt.

16 (3) (i) Nothing contained in this subsection may be construed to prohibit  
17 the right of a person to institute a civil action for damages against a dealer, manufacturer,  
18 distributor, factory branch, or other appropriate entity arising out of an incident that  
19 involves a defectively installed or defectively operating seat belt.

20 (ii) In a civil action in which 2 or more parties are named as joint  
21 tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint  
22 tort-feasors or defendants is not involved in the design, manufacture, installation,  
23 supplying, or repair of a seat belt, a court shall order separate trials to accomplish the  
24 ends of justice on a motion of any party.

25 (i) The Administration and the Department of State Police shall establish  
26 prevention and education programs to encourage compliance with the provisions of this  
27 section.

28 (j) The Administration shall include information on this State's experience with  
29 the provisions of this section in the annual evaluation report on the State's highway safety  
30 plan that this State submits to the National Highway Traffic Safety Administration and  
31 the Federal Highway Administration under 23 U.S.C. § 402.

32 ~~(1)~~ [(1) A police officer may enforce the provisions of this section only as a  
33 secondary action when the police officer detains a driver of a motor vehicle for a  
34 suspected violation of another provision of the Code.

35 (2) Nothing contained in paragraph (1) of this subsection may be construed  
36 to limit the enforcement of a violation under § 22-412.2 of this subtitle.] ~~A POLICE  
37 OFFICER MAY NOT SEARCH OR INSPECT A MOTOR VEHICLE, ITS CONTENTS, THE  
38 DRIVER, OR A PASSENGER SOLELY BECAUSE OF A VIOLATION OF THIS SECTION.~~

4

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1997.