
By: Delegate Owings

Rules suspended

Introduced and read first time: March 30, 1997

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Seat Belts - Exemption Sticker**

3 FOR the purpose of requiring the Motor Vehicle Administration to design and create a
4 seat belt exemption sticker; requiring the Administration to issue a seat belt
5 exemption sticker to a person who is eligible for a certain medical exemption from
6 the mandatory seat belt law; requiring the Administration to adopt regulations
7 governing the manner in which a seat belt exemption sticker must be displayed on a
8 motor vehicle; and generally relating to motor vehicles and seat belts.

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

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

16 **Article - Transportation**

17 22-412.3.

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

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

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

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

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

26 (3) "Outboard front seat" means a front seat position that is adjacent to a
27 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-shoulder harness.

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

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

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

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

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

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

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

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

20 (f) (1) THE ADMINISTRATION SHALL DESIGN AND CREATE A SEAT BELT
21 EXEMPTION STICKER.

22 (2) THE ADMINISTRATION SHALL ISSUE A SEAT BELT EXEMPTION
23 STICKER TO A PERSON WHO IS ELIGIBLE FOR AN EXEMPTION UNDER SUBSECTION
24 (D) OF THIS SECTION.

25 (3) THE ADMINISTRATION SHALL ADOPT REGULATIONS GOVERNING
26 THE MANNER IN WHICH THE SEAT BELT EXEMPTION STICKER SHALL BE DISPLAYED
27 ON A MOTOR VEHICLE.

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

30 [(g)] (H) A violation of this section is not considered a moving violation for
31 purposes of § 16-402 of this article.

32 [(h)] (I) (1) Failure of an individual to use a seat belt in violation of this section
33 may not:

34 (i) Be considered evidence of negligence;

35 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

16 [(i)] (J) The Administration and the Department of State Police shall establish
17 prevention and education programs to encourage compliance with the provisions of this
18 section.

19 [(j)] (K) The Administration shall include information on this State's experience
20 with the provisions of this section in the annual evaluation report on the State's highway
21 safety plan that this State submits to the National Highway Traffic Safety Administration
22 and the Federal Highway Administration under 23 U.S.C. § 402.

23 [(k)] (L) (1) A police officer may enforce the provisions of this section only as a
24 secondary action when the police officer detains a driver of a motor vehicle for a
25 suspected violation of another provision of the Code.

26 (2) Nothing contained in paragraph (1) of this subsection may be construed
27 to limit the enforcement of a violation under § 22-412.2 of this subtitle.

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