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SB 254/95 - JPR

1997 Regular Session  
7lr0963

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**By: Senator Ruben**

Introduced and read first time: January 14, 1997

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - 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 making stylistic changes; and generally relating to the enforcement of laws requiring

7 the use of seat belts.

8 BY repealing and reenacting, with amendments,

9 Article - Transportation

10 Section 22-412.3

11 Annotated Code of Maryland

12 (1992 Replacement Volume and 1996 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Transportation**

16 22-412.3.

17 (a) (1) In this [section,] SECTION the following words have the meanings  
18 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.

28 (4) (i) "Seat belt" means a restraining device described under § 22-412 of

29 this [article] SUBTITLE.

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

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

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

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

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

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

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

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

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

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

20 (g) A violation of this section is not considered a moving violation for purposes of  
21 § 16-402 of this article.

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

24 (i) Be considered evidence of negligence;

25 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

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

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

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

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

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