
By: **Delegate Baldwin**

Introduced and read first time: February 10, 1999

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Seat Belt Use - Determination of Damages in Civil Actions**

3 FOR the purpose of repealing the prohibition against the diminishment of recovery
4 for damages arising under certain circumstances because of the failure of an
5 individual to use a seat belt in violation of a certain law; authorizing under
6 certain circumstances references to seat belts in certain civil actions; and
7 generally relating to seat belt use and determination of damages in civil actions.

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 22-412.3(h)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1998 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 (h) (1) Failure of an individual to use a seat belt in violation of this section
18 may not:

19 (i) Be considered evidence of negligence;

20 (ii) Be considered evidence of contributory negligence; OR

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

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

24 (2) Subject to the provisions of paragraph (3) of this subsection, [a party,
25 witness, or counsel may not make reference to a seat belt during a trial of a civil
26 action that involves property damage, personal injury, or death if the damage, injury,

1 or death is not related to the design, manufacture, installation, supplying, or repair of
2 a seat belt] IF SEPARATE TRIALS ARE GRANTED ON MOTION FOR THE ISSUES OF
3 LIABILITY AND DAMAGES IN A CIVIL ACTION INVOLVING PROPERTY DAMAGE,
4 PERSONAL INJURY, OR DEATH, A PARTY, WITNESS, OR COUNSEL MAY ONLY MAKE
5 REFERENCE TO A SEAT BELT DURING THE DAMAGES TRIAL.

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

10 (II) A PARTY, WITNESS, OR COUNSEL MAY MAKE REFERENCE TO A
11 SEAT BELT DURING A TRIAL OF A CIVIL ACTION IF THE PROPERTY DAMAGE,
12 PERSONAL INJURY, OR DEATH IS RELATED TO THE DESIGN, MANUFACTURE,
13 INSTALLATION, SUPPLYING, OR REPAIR OF A SEAT BELT.

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1999.