
By: **Delegates Cole, C. Davis, Gladden, and McHale**
Introduced and read first time: January 26, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Mandatory Seat Belt Use - Secondary Enforcement**

3 FOR the purpose of authorizing a police officer to enforce certain provisions of law
4 relating to mandatory seat belt use only as a secondary action when the police
5 officer detains a driver of a motor vehicle for a suspected violation of another
6 provision of law; providing for the construction of this Act; and generally
7 relating to the enforcement of certain mandatory seat belt use laws.

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 22-412.3
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 1999 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 the following words have the meanings indicated.

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

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

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

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

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

- 1 (4) (i) "Seat belt" means a restraining device described under § 22-412
2 of this subtitle.
- 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
6 provided in § 22-412.2 of this subtitle.
- 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
12 subject 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
15 restraint due to a person's physical disability or other medical reason, the provisions
16 of this section 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) The provisions of this section do not apply to U.S. Postal Service and
21 contract carriers while delivering mail to local box routes.
- 22 (g) A violation of this section is not considered a moving violation for purposes
23 of § 16-402 of this article.
- 24 (h) (1) Failure of an individual to use a seat belt in violation of this section
25 may not:
- 26 (i) Be considered evidence of negligence;
- 27 (ii) Be considered evidence of contributory negligence;
- 28 (iii) Limit liability of a party or an insurer; or
- 29 (iv) Diminish recovery for damages arising out of the ownership,
30 maintenance, or operation of a motor vehicle.
- 31 (2) Subject to the provisions of paragraph (3) of this subsection, a party,
32 witness, or counsel may not make reference to a seat belt during a trial of a civil
33 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.

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

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

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

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

19 (K) (1) A POLICE OFFICER MAY ENFORCE THE PROVISIONS OF THIS
20 SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A
21 DRIVER OF A MOTOR VEHICLE FOR A SUSPECTED VIOLATION OF ANOTHER
22 PROVISION OF THE CODE.

23 (2) NOTHING CONTAINED IN PARAGRAPH (1) OF THIS SUBSECTION MAY
24 BE CONSTRUED TO LIMIT THE ENFORCEMENT OF A VIOLATION UNDER § 22-412.2 OF
25 THIS SUBTITLE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2000.