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By: **Delegate Baldwin**  
Introduced and read first time: February 7, 2000  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Mandatory Seat Belt Use - Repeal**

3 FOR the purpose of repealing certain seat belt use requirements for persons over a  
4 certain age who are either operators of a motor vehicle or passengers in an  
5 outboard front seat of a motor vehicle; repealing the prohibition against the use  
6 of certain evidence of failure of an individual to use a seat belt to indicate  
7 liability of certain persons; repealing certain requirements that the Motor  
8 Vehicle Administration and the Department of State Police establish certain  
9 programs and that the Administration report certain information regarding seat  
10 belt use; repealing certain fines imposed for a violation of certain seat belt use  
11 requirements; making certain technical corrections; and generally relating to  
12 the repeal of certain provisions governing mandatory seat belt use.

13 BY repealing and reenacting, with amendments,  
14 Article - Transportation  
15 Section 11-154(b)(2)(iv), 21-1121(b)(2), and 27-106  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 1999 Supplement)

18 BY repealing  
19 Article - Transportation  
20 Section 22-412.3  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 1999 Supplement)

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

25 **Article - Transportation**

26 11-154.

27 (b) "School vehicle" does not include:

1           (2)     A vehicle that is registered as a Class M (multipurpose) vehicle under  
2 § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article  
3 and used to transport children between one or more schools or licensed child care  
4 centers or to and from designated areas that are approved by the Administration if:

5                   (iv)     The vehicle is equipped with proper seat belts or safety seats so  
6 as to permit each child to be secured in a seat belt or a safety seat as required by §§  
7 22-412.2 [and 22-412.3] of this article.

8 21-1121.

9     (b)     (2)     This subsection may not be construed as to eliminate applicable child  
10 safety seat and seat belt requirements under §§ 22-412.2 [and 22-412.3] of this  
11 article.

12 [22-412.3.

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

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

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

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

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

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

23           (4)     (i)     "Seat belt" means a restraining device described under § 22-412  
24 of this subtitle.

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

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

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

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

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

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

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

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

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

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

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

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

14 (i) Be considered evidence of negligence;

15 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

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

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

5 27-106.

6 (a) Any person who is convicted of a violation of § 22-404.4 of this article shall  
7 be fined \$250.

8 (b) [Any person who is convicted of a violation of § 22-412.3 of this article is  
9 subject to a fine of not more than \$25, including court costs.

10 (c) Any person who is convicted of a violation of § 21-1003(u) or (dd) of this  
11 article is subject to a fine of \$25.

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