

HOUSE BILL 519

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HB 439/99 - CGM

2000 Regular Session  
0lr0653

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By: **Delegates Baldwin, Hutchins, Amedori, Elliott, Murphy, and Shank**  
Introduced and read first time: February 7, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Seat Belt or Child Safety Seat Use - Civil Actions**

3 FOR the purpose of providing that evidence of certain child safety seat or seat belt  
4 violations may not be considered evidence of contributory negligence in a trial of  
5 any civil action; repealing provisions of law that provide that certain child safety  
6 seat or seat belt violations are not contributory negligence; repealing the  
7 prohibition against the diminishment of recovery for damages arising under  
8 certain circumstances because of the failure of an individual to use a seat belt in  
9 violation of a certain law; authorizing under certain circumstances references to  
10 seat belts in certain civil actions; and generally relating to seat belt and child  
11 safety seat use and civil actions.

12 BY repealing and reenacting, without amendments,  
13 Article - Transportation  
14 Section 22-412.2(a), (b), (c), (d), (e), (f), (g), and (h)  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 1999 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Transportation  
19 Section 22-412.2(i) and 22-412.3(h)  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 1999 Supplement)

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

24 **Article - Transportation**

25 22-412.2.

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

1           (2)   (i)    "Child safety seat" means a device that is manufactured in  
2 accordance with the 1981 Federal Motor Vehicle Safety Standards and is used to  
3 restrain, seat, or position a child who is transported in a motor vehicle.

4                   (ii)   "Child safety seat" does not mean a seat belt or combination  
5 seat belt-shoulder harness.

6           (3)   (i)    "Seat belt" means a restraining device described under § 22-412  
7 of this subtitle.

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

9   (b)    A child safety seat meets the requirements of this section only if it is  
10 installed and used in accordance with the directions of the manufacturer.

11   (c)    This section applies to the transportation of a child in a vehicle registered,  
12 or of a type capable of being registered, in this State as a:

13           (1)    Class A (passenger) vehicle;

14           (2)    Class E (truck) with a manufacturer's rated capacity of 3/4 ton or  
15 less, the gross vehicle weight of which does not exceed 7,000 pounds; or

16           (3)    Class M (multipurpose) vehicle.

17   (d)    A person transporting a child shall secure the child in a child safety seat in  
18 accordance with the child safety seat and vehicle manufacturers' instructions if the  
19 child:

20           (1)    Is under the age of 4 years, regardless of the child's weight; or

21           (2)    Weighs 40 pounds or less, regardless of the child's age.

22   (e)    A person may not transport a child under the age of 16 years unless the  
23 child is secured in:

24           (1)    A child safety seat in accordance with the child safety seat and  
25 vehicle manufacturers' instructions; or

26           (2)    A seat belt.

27   (f)    If a physician, who is licensed to practice medicine in the state in which the  
28 vehicle transporting the child is registered, certifies in writing that use of a child  
29 safety seat by a particular child would be impractical due to the child's weight,  
30 physical unfitness, or other medical reason, there is not a violation of this section.

31   (g)    A child safety seat or seat belt may not be used to restrain, seat, or position  
32 more than 1 individual at a time.

33   (h)    If the number of children subject to the provisions of this section exceeds  
34 the number of passenger securing locations available for use by children affected by

1 this section, and all of those securing locations are in use by children, there is not a  
2 violation of this section.

3 (i) A violation of this section [is not contributory negligence and] may not [be  
4 admitted as] BE CONSIDERED evidence OF CONTRIBUTORY NEGLIGENCE in the trial  
5 of any civil action.

6 22-412.3.

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

9 (i) Be considered evidence of negligence;

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

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

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

14 (2) Subject to the provisions of paragraph (3) of this subsection, [a party,  
15 witness, or counsel may not make reference to a seat belt during a trial of a civil  
16 action that involves property damage, personal injury, or death if the damage, injury,  
17 or death is not related to the design, manufacture, installation, supplying, or repair of  
18 a seat belt] IF SEPARATE TRIALS ARE GRANTED ON MOTION FOR THE ISSUES OF  
19 LIABILITY AND DAMAGES IN A CIVIL ACTION INVOLVING PROPERTY DAMAGE,  
20 PERSONAL INJURY, OR DEATH, A PARTY, WITNESS, OR COUNSEL MAY ONLY MAKE  
21 REFERENCE TO A SEAT BELT DURING THE DAMAGES TRIAL.

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

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

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

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