HOUSE BILL 519

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By: Delegates Baldwin, Hutchins, Amedori, Elliott, Murphy, and Shank

Introduced and read first time: February 7, 2000

Assigned to: Judiciary

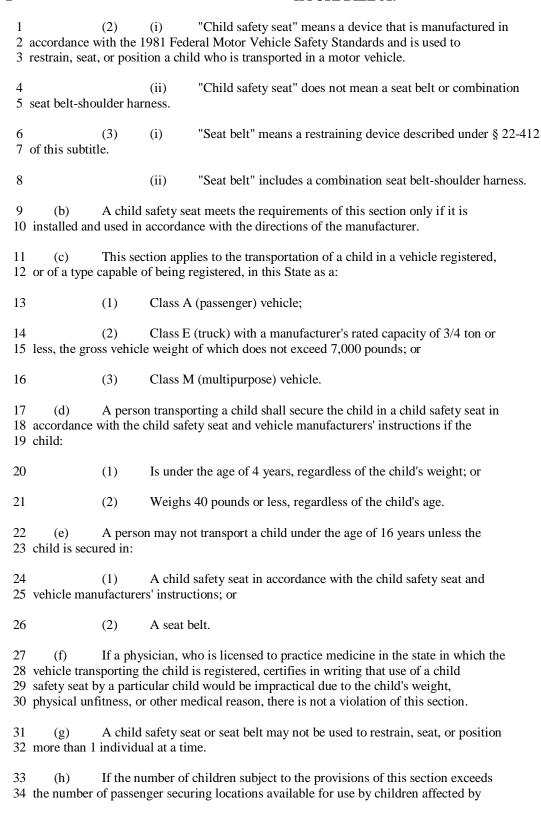
A BILL ENTITLED

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
- violations may not be considered evidence of contributory negligence in a trial of 4
- 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
- safety seat use and civil actions. 11
- 12 BY repealing and reenacting, without amendments,
- Article Transportation 13
- 14 Section 22-412.2(a), (b), (c), (d), (e), (f), (g), and (h)
- 15 Annotated Code of Maryland
- (1999 Replacement Volume and 1999 Supplement) 16
- 17 BY repealing and reenacting, with amendments,
- Article Transportation 18
- Section 22-412.2(i) and 22-412.3(h) 19
- 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:
- **Article Transportation** 24
- 25 22-412.2.
- 26 In this section the following words have the meanings indicated. (a) (1)

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	this section, and all of those securing locations are in use by children, there is not a violation of this section.			
	(i) A violation of this section [is not contributory negligence and] may not [be admitted as] BE CONSIDERED evidence OF CONTRIBUTORY NEGLIGENCE in the trial of any civil action.			
6	22-412.3.			
7 8	(h) may not:	(1)	Failure o	of an individual to use a seat belt in violation of this section
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 13		e, or oper	(iv) ration of a	Diminish recovery for damages arising out of the ownership, a motor vehicle].
16 17 18 19 20	Subject to the provisions of paragraph (3) of this subsection, [a party, witness, or counsel may not make reference to a seat belt during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, installation, supplying, or repair of a seat belt] IF SEPARATE TRIALS ARE GRANTED ON MOTION FOR THE ISSUES OF LIABILITY AND DAMAGES IN A CIVIL ACTION INVOLVING PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH, A PARTY, WITNESS, OR COUNSEL MAY ONLY MAKE REFERENCE TO A SEAT BELT DURING THE DAMAGES TRIAL.			
24	prohibit the manufacture	r, distrib	utor, fact	Nothing contained in this subsection may be construed to o institute a civil action for damages against a dealer, ory branch, or other appropriate entity arising out of fectively installed or defectively operating seat belt.
28	SEAT BELT PERSONAL	L INJUR	Y, OR DI	A PARTY, WITNESS, OR COUNSEL MAY MAKE REFERENCE TO A IAL OF A CIVIL ACTION IF THE PROPERTY DAMAGE, EATH IS RELATED TO THE DESIGN, MANUFACTURE, NG, OR REPAIR OF A SEAT BELT.
32 33	[(ii)] (III) In a civil action in which 2 or more parties are named as joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint tort-feasors or defendants is not involved in the design, manufacture, installation, supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends of justice on a motion of any party.			
35 36	SECTIC October 1, 2		ID BE IT	FURTHER ENACTED, That this Act shall take effect