
By: **Senators Forehand and Ruben**
Introduced and read first time: January 18, 2000
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Trained Child Restraint Device Installers - Limitation on Civil Liability**

3 FOR the purpose of limiting the civil liability of a trained child restraint device
4 installer for an act or omission that occurs in the installing or inspecting of a
5 child restraint device in a motor vehicle under certain circumstances; defining
6 certain terms; providing for the application of this Act; and generally relating to
7 limiting the civil liability of trained child restraint device installers.

8 BY adding to
9 Article - Courts and Judicial Proceedings
10 Section 5-640
11 Annotated Code of Maryland
12 (1998 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 - Courts and Judicial Proceedings**

16 5-640.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) (I) "COMPENSATION" MEANS A FEE OR CHARGE LEVIED AGAINST
20 AN INDIVIDUAL FOR THE INSTALLATION OR INSPECTION OF A CHILD RESTRAINT
21 DEVICE BY A TRAINED CHILD RESTRAINT DEVICE INSTALLER OR AN ENTITY THAT
22 EMPLOYS A TRAINED CHILD RESTRAINT DEVICE INSTALLER.

23 (II) "COMPENSATION" DOES NOT INCLUDE THE WAGES, SALARY, OR
24 OTHER COMPENSATION PAID BY AN ENTITY THAT EMPLOYS A TRAINED CHILD
25 RESTRAINT DEVICE INSTALLER .

26 (3) "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11-135 OF THE
27 TRANSPORTATION ARTICLE.

1 (4) "TRAINED CHILD RESTRAINT INSTALLER" MEANS AN INDIVIDUAL
2 WHO HAS SUCCESSFULLY COMPLETED A COURSE IN CHILD PASSENGER SAFETY
3 THAT MEETS THE TRAINING STANDARDS SET BY THE NATIONAL HIGHWAY TRAFFIC
4 SAFETY ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF
5 TRANSPORTATION.

6 (B) A TRAINED CHILD RESTRAINT INSTALLER IS NOT CIVILLY LIABLE FOR AN
7 ACT OR OMISSION THAT OCCURS IN THE INSPECTING OR INSTALLING OF A CHILD
8 RESTRAINT DEVICE IN A MOTOR VEHICLE IF:

9 (1) THE TRAINED CHILD RESTRAINT INSTALLER ACTS IN GOOD FAITH;

10 (2) THE ACT OR OMISSION IS NOT ONE OF GROSS NEGLIGENCE;

11 (3) THE ACT OR OMISSION IS NOT WILLFUL OR WANTON MISCONDUCT;
12 AND

13 (4) THE INSPECTION OR INSTALLATION OF THE CHILD RESTRAINT
14 DEVICE IS PROVIDED WITHOUT COMPENSATION.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
16 construed only prospectively and may not be applied or interpreted to have any effect
17 on or application to any cause of action arising before the effective date of this Act.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2000.