

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 519 (Delegate Baldwin. *et al.*)

Judiciary

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

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This bill repeals the provision that failure of an individual to use a seat belt may not diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. 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, then a party, witness, or counsel may only make reference to a seat belt during the damages trial. A party, witness, or counsel may make reference to a seat belt during a trial of a civil action if the property damage, personal injury, or death is related to the design, manufacture, installation, supplying, or repair of a seat belt.

The bill also provides that a violation of provisions requiring the use of a safety seat or seat belt for a child may not be considered evidence of contributory negligence in the trial of any civil action. Under current law, a violation of provisions requiring the use of a safety seat or seat belt for a child is not contributory negligence and may not be admitted as evidence in the trial of any civil action.

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Fiscal Summary

**State Effect:** Potential decrease in State Insurance Trust Fund expenditures for tort claims against the State. No effect on revenues.

**Local Effect:** Potential decrease in local tort claim expenditures. No effect on revenues.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Failure of an individual to use a seat belt may not diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

**State Expenditures:** The State is self-insured for tort liability. To the extent that this bill results in smaller damages awards and settlements in automobile tort claims against the State, State Insurance Trust Fund payouts and agency premiums would decrease. The precise amount of any such decrease cannot be determined at this time. For fiscal 2001, total State tort losses are estimated at \$2.8 million, and agency premiums are estimated at \$2.0 million.

**Local Expenditures:** To the extent that this bill results in smaller damages awards and settlements in personal injury claims against local governments, payouts by self-insured local governments would decrease. The precise amount of any such decrease cannot be determined at this time.

**Small Business Effect:** To the extent that the bill results in smaller damages awards and settlements in automobile tort claims, plaintiffs' attorneys' fees could be reduced.

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### **Additional Information**

**Prior Introductions:** A similar bill was introduced during the 1999 session as HB 439, which received an unfavorable report from the Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services, Judiciary (District Court of Maryland), Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2000

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