

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE  
Revised

Senate Bill 139 (Senator Forehand. *et al.*)

Judicial Proceedings

---

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

---

This bill provides that a “trained child restraint device installer” is not civilly liable for an act or omission that occurs in the inspecting or installing of a child restraint device in a motor vehicle if:

- the trained child restraint device installer acts in good faith;
- the act or omission is not one of gross negligence;
- the act or omission is not willful or wanton misconduct; and
- the inspection or installation of the child restraint device is provided without compensation.

A “trained child restraint device installer” is defined as an individual who has successfully completed a course in child passenger safety that meets the training standards set by the National Highway Traffic Safety Administration of the United States Department of Transportation (NHTSA).

The bill may not be applied to any cause of action arising before the bill’s October 1, 2000 effective date.

---

**Fiscal Summary**

**State Effect:** The bill would limit the State’s liability for negligent acts and omissions of employees who inspect or install child restraint devices (to the extent that any State employees perform or would perform such functions).

**Local Effect:** The bill would limit the liability of local governments for negligent acts and omissions of local government employees who inspect or install child restraint devices.

**Small Business Effect:** Potential meaningful.

---

## Analysis

**Current Law:** An individual who inspects or installs a child restraint device in a motor vehicle is not protected from civil liability for injuries caused to another individual as a result of a negligent act or omission by the installer in the inspecting or installing of the child restraint device.

**Background:** The NHTSA offers a national training program for child passenger safety (CPS) professionals. The CPS Training Program was developed by NHTSA to address the need for quality control in course content and instructors and to ensure that information being taught and materials being disseminated are up-to-date, accurate, and consistent. The CPS Training Program is a four-day course involving a combination of lectures, discussion, role playing, and hands-on practice with both child safety seats and vehicle belt systems. Students take both written and practical tests, and participate in a “real world” CPS clinic or child safety seat checkpoint, in which students must demonstrate proficiency in communicating with and demonstrating proper installation to the public. There is no cost for the course.

**State Expenditures:** The bill would limit the State’s liability for negligent acts and omissions of State employees who inspect or install child restraint devices (to the extent that any State employees perform or would perform such functions). The number of lawsuits that have been filed against the State for negligent inspection or installation of child safety devices is unknown. Under the State Tort Claims Act, the liability of the State may not exceed \$200,000 to a single claimant for injuries arising from a single incident. Tort claim payments are administered by the State Treasurer’s Office. State tort losses for fiscal 2001 are estimated at \$2.8 million.

**Local Expenditures:** The bill would limit the liability of local governments for negligent acts and omissions of local government employees who inspect or install child restraint devices. Montgomery County advises that a number of its employees inspect and/or install child restraint devices. The number of lawsuits that have been filed against local governments for negligent inspection or installation of child safety devices is unknown. Under the Local Government Tort Claims Act, the liability of a local government for

damages resulting from tortious acts or omissions may not exceed \$200,000 per an individual claim, and \$500,000 per total claims that arise from the same occurrence.

**Small Business Effect:** The bill would limit the liability of small businesses for negligent acts and omissions of employees who inspect or install child restraint devices.

---

**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Transportation (Motor Vehicle Administration), Montgomery County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2000  
nncsjr Revised - Senate Third Reader - March 25, 2000

---

Analysis by: Claire E. Rooney

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510