
By: **Delegate Dembrow**
Introduced and read first time: February 9, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Passenger Safety Technicians - Qualified Immunity from Civil**
3 **Liability**

4 FOR the purpose of providing immunity from civil liability for child passenger safety
5 technicians for acts and omissions that occur in the inspection or installation of
6 a child safety seat in a motor vehicle under certain circumstances; defining
7 certain terms; providing for the application of this Act; and generally relating to
8 qualified immunity from civil liability for child passenger safety technicians.

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 5-640
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2000 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 5-640.

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

20 (2) "CHILD PASSENGER SAFETY TECHNICIAN" MEANS AN INDIVIDUAL
21 WHO IS CERTIFIED AS A CHILD PASSENGER SAFETY TECHNICIAN BY AN ENTITY
22 APPROVED FOR CERTIFICATION BY THE MOTOR VEHICLE ADMINISTRATION.

23 (3) "CHILD SAFETY SEAT" HAS THE MEANING STATED IN § 22-412.2 OF
24 THE TRANSPORTATION ARTICLE.

25 (4) "SPONSORING ORGANIZATION" MEANS AN EMPLOYER OF A CHILD
26 PASSENGER SAFETY TECHNICIAN, A CORPORATION, OR ORGANIZATION THAT
27 ARRANGES FOR THE OFFERING OF FREE CHILD SAFETY SEAT CHECKUP EVENTS OR
28 FITTING STATION PROGRAMS FOR THE GENERAL PUBLIC.

1 (B) NEITHER A CHILD PASSENGER SAFETY TECHNICIAN NOR A SPONSORING
2 ORGANIZATION IS CIVILLY LIABLE FOR AN ACT OR OMISSION THAT OCCURS IN THE
3 ADVICE, INSPECTION, OR ASSISTANCE IN INSTALLATION OR ADJUSTMENT OF A
4 CHILD SAFETY SEAT IN A MOTOR VEHICLE IF:

5 (1) THE CHILD PASSENGER SAFETY TECHNICIAN ACTS IN GOOD FAITH
6 WITHIN THE SCOPE OF THE TRAINING FOR WHICH THE TECHNICIAN IS CERTIFIED;

7 (2) THE ACT OR OMISSION DOES NOT CONSTITUTE GROSS NEGLIGENCE
8 OR WILLFUL OR WANTON MISCONDUCT; AND

9 (3) THE INSPECTION OR INSTALLATION OF THE CHILD SAFETY SEAT IS
10 PROVIDED WITHOUT ANY DIRECT OR INDIRECT FEE OR CHARGE TO THE OWNER OR
11 OPERATOR OF THE MOTOR VEHICLE.

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

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2001.