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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 2001

CHAPTER _____

1 AN ACT concerning

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

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

11 BY adding to
12 Article - Courts and Judicial Proceedings
13 Section 5-640
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2000 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 5-640.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

1 (2) "CHILD PASSENGER SAFETY TECHNICIAN" MEANS AN INDIVIDUAL
2 ~~WHO IS CERTIFIED AS A CHILD PASSENGER SAFETY TECHNICIAN BY AN ENTITY~~
3 ~~APPROVED FOR CERTIFICATION BY THE MOTOR VEHICLE~~ HOLDS A CURRENT
4 CERTIFICATION AS A CHILD PASSENGER SAFETY TECHNICIAN OR TECHNICIAN
5 INSTRUCTOR BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OF
6 THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE AMERICAN
7 AUTOMOBILE ASSOCIATION, OR OTHER ENTITY DESIGNATED BY THE NATIONAL
8 HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

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

11 (4) "SPONSORING ORGANIZATION" MEANS ~~AN EMPLOYER OF A CHILD~~
12 ~~PASSENGER SAFETY TECHNICIAN, A CORPORATION, OR ORGANIZATION THAT~~
13 ~~ARRANGES FOR THE OFFERING OF FREE CHILD SAFETY SEAT CHECKUP EVENTS OR~~
14 ~~FITTING STATION PROGRAMS FOR THE GENERAL PUBLIC~~ A PERSON THAT:

15 (I) EMPLOYS A CHILD PASSENGER SAFETY TECHNICIAN;

16 (II) OFFERS OR ARRANGES FREE CHILD SAFETY SEAT CHECKUP
17 EVENTS OR FITTING STATION PROGRAMS FOR THE GENERAL PUBLIC; OR

18 (III) OWNS PROPERTY ON WHICH A FREE CHILD SAFETY SEAT
19 CHECKUP EVENT OR FITTING STATION PROGRAM FOR THE GENERAL PUBLIC TAKES
20 PLACE.

21 (B) ~~NEITHER A CHILD PASSENGER SAFETY TECHNICIAN NOR A SPONSORING~~
22 ~~ORGANIZATION IS CIVILLY LIABLE FOR AN ACT OR OMISSION THAT OCCURS IN THE~~
23 ~~ADVICE, INSPECTION, OR ASSISTANCE IN INSTALLATION OR ADJUSTMENT OF A~~
24 ~~CHILD SAFETY SEAT IN A MOTOR VEHICLE~~ A CHILD PASSENGER SAFETY TECHNICIAN
25 OR SPONSORING ORGANIZATION IS NOT CIVILLY LIABLE FOR AN ACT OR OMISSION
26 THAT OCCURS SOLELY IN THE INSPECTION, INSTALLATION, OR ADJUSTMENT OF A
27 CHILD SAFETY SEAT IN A MOTOR VEHICLE, OR IN GIVING ADVICE OR ASSISTANCE
28 REGARDING THE INSTALLATION OR ADJUSTMENT OF A CHILD SAFETY SEAT, IF:

29 (1) THE CHILD PASSENGER SAFETY TECHNICIAN ACTS IN GOOD FAITH
30 AND WITHIN THE SCOPE OF THE TRAINING FOR WHICH THE TECHNICIAN IS
31 CURRENTLY CERTIFIED;

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

34 (3) THE INSPECTION OR, INSTALLATION, OR ADJUSTMENT OF THE
35 CHILD SAFETY SEAT, OR THE ADVICE OR ASSISTANCE, IS PROVIDED WITHOUT ANY
36 DIRECT OR INDIRECT FEE OR CHARGE TO THE OWNER OR OPERATOR OF THE MOTOR
37 VEHICLE; AND

38 (4) THE INSPECTION, INSTALLATION, OR ADJUSTMENT OF THE CHILD
39 SAFETY SEAT IS NOT PROVIDED IN CONJUNCTION WITH THE FOR PROFIT SALE OF
40 THE CHILD SAFETY SEAT.

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

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