

SENATE BILL 35

Unofficial Copy
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2001 Regular Session
(1r0608)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senator Forehand**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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)

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

3 **Article - Courts and Judicial Proceedings**

4 5-640.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) "CHILD PASSENGER SAFETY TECHNICIAN" MEANS AN INDIVIDUAL
8 WHO ~~HAS BEEN CERTIFIED~~ HOLDS A CURRENT CERTIFICATION AS A CHILD
9 PASSENGER SAFETY TECHNICIAN OR TECHNICIAN INSTRUCTOR BY THE NATIONAL
10 HIGHWAY TRAFFIC SAFETY ADMINISTRATION OF THE UNITED STATES DEPARTMENT
11 OF TRANSPORTATION, THE AMERICAN AUTOMOBILE ASSOCIATION, OR OTHER
12 ENTITY DESIGNATED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY
13 ADMINISTRATION.

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

16 (4) "SPONSORING ORGANIZATION" MEANS A PERSON THAT:

17 (I) EMPLOYS A CHILD PASSENGER SAFETY TECHNICIAN;

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

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

23 (B) A CHILD PASSENGER SAFETY TECHNICIAN OR SPONSORING
24 ORGANIZATION IS NOT CIVILLY LIABLE FOR AN ACT OR OMISSION THAT OCCURS
25 SOLELY IN THE INSPECTION ~~OR~~, INSTALLATION, OR ADJUSTMENT OF A CHILD
26 SAFETY SEAT IN A MOTOR VEHICLE, OR IN GIVING ADVICE OR ASSISTANCE
27 REGARDING THE INSTALLATION OR ADJUSTMENT OF A CHILD SAFETY SEAT, IF:

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

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

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

1 (4) THE INSPECTION, INSTALLATION, OR ADJUSTMENT OF THE CHILD
2 SAFETY SEAT IS NOT PROVIDED IN CONJUNCTION WITH THE FOR PROFIT SALE OF
3 THE CHILD SAFETY SEAT.

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

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