

SENATE BILL 35

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2001 Regular Session
11r0608

(PRE-FILED)

By: **Senator Forehand**

Requested: October 4, 2000

Introduced and read first time: January 10, 2001

Assigned to: Judicial Proceedings

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 HAS BEEN CERTIFIED AS A CHILD PASSENGER SAFETY TECHNICIAN BY THE
22 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OF THE UNITED STATES
23 DEPARTMENT OF TRANSPORTATION.

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

1 (B) A CHILD PASSENGER SAFETY TECHNICIAN IS NOT CIVILLY LIABLE FOR AN
2 ACT OR OMISSION THAT OCCURS IN THE INSPECTION OR INSTALLATION OF A CHILD
3 SAFETY SEAT IN A MOTOR VEHICLE IF:

4 (1) THE CHILD PASSENGER SAFETY TECHNICIAN ACTS IN GOOD FAITH;

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

7 (3) THE INSPECTION OR INSTALLATION OF THE CHILD SAFETY SEAT IS
8 PROVIDED WITHOUT FEE OR CHARGE TO THE OWNER OR OPERATOR OF THE MOTOR
9 VEHICLE.

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

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