

SENATE BILL 35

Unofficial Copy
D3

2001 Regular Session
11r0608
CF 11r2601

(PRE-FILED)

By: **Senator Forehand**

Requested: October 4, 2000

Introduced and read first time: January 10, 2001

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 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 ~~or~~ 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 ~~HAS BEEN CERTIFIED~~ HOLDS A CURRENT CERTIFICATION AS A CHILD
3 PASSENGER SAFETY TECHNICIAN OR TECHNICIAN INSTRUCTOR BY THE NATIONAL
4 HIGHWAY TRAFFIC SAFETY ADMINISTRATION OF THE UNITED STATES DEPARTMENT
5 OF TRANSPORTATION, THE AMERICAN AUTOMOBILE ASSOCIATION, OR OTHER
6 ENTITY DESIGNATED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY
7 ADMINISTRATION.

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

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

11 (I) EMPLOYS A CHILD PASSENGER SAFETY TECHNICIAN;

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

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

17 (B) A CHILD PASSENGER SAFETY TECHNICIAN OR SPONSORING
18 ORGANIZATION IS NOT CIVILLY LIABLE FOR AN ACT OR OMISSION THAT OCCURS
19 SOLELY IN THE INSPECTION ~~OR~~ INSTALLATION, OR ADJUSTMENT OF A CHILD
20 SAFETY SEAT IN A MOTOR VEHICLE, OR IN GIVING ADVICE OR ASSISTANCE
21 REGARDING THE INSTALLATION OR ADJUSTMENT OF A CHILD SAFETY SEAT, IF:

22 (1) THE CHILD PASSENGER SAFETY TECHNICIAN ACTS IN GOOD FAITH
23 AND WITHIN THE SCOPE OF THE TRAINING FOR WHICH THE TECHNICIAN IS
24 CURRENTLY CERTIFIED;

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

27 (3) THE INSPECTION ~~OR~~ INSTALLATION, OR ADJUSTMENT OF THE
28 CHILD SAFETY SEAT, OR THE ADVICE OR ASSISTANCE, IS PROVIDED WITHOUT FEE OR
29 CHARGE TO THE OWNER OR OPERATOR OF THE MOTOR VEHICLE.

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

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

