

SENATE BILL 359

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2001 Regular Session
11r2187
CF 11r1351

By: **Senator Forehand**

Introduced and read first time: February 1, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Laws - Child Booster Seats**

3 FOR the purpose of including a child booster seat in the definition of a child safety
4 seat; altering the circumstances under which a child is required to be secured in
5 a child safety seat when traveling in a motor vehicle; providing for a delayed
6 effective date; and generally relating to child booster seats.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 22-412.2
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2000 Supplement)

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

14 **Article - Transportation**

15 22-412.2.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) (i) "Child safety seat" means a device, INCLUDING A CHILD
18 BOOSTER SEAT, that is manufactured in accordance with the 1981 Federal Motor
19 Vehicle Safety Standards and is used to restrain, seat, or position a child who is
20 transported in a motor vehicle.

21 (ii) "Child safety seat" does not mean a seat belt or combination
22 seat belt-shoulder harness USED ALONE.

23 (3) (i) "Seat belt" means a restraining device described under § 22-412
24 of this subtitle.

25 (ii) "Seat belt" includes a combination seat belt-shoulder harness.

1 (b) A child safety seat meets the requirements of this section only if it is
2 installed and used in accordance with the directions of the manufacturer.

3 (c) This section applies to the transportation of a child in a vehicle registered,
4 or of a type capable of being registered, in this State as a:

5 (1) Class A (passenger) vehicle;

6 (2) Class E (truck) with a manufacturer's rated capacity of 3/4 ton or
7 less, the gross vehicle weight of which does not exceed 7,000 pounds; or

8 (3) Class M (multipurpose) vehicle.

9 (d) A person transporting a child shall secure the child in a child safety seat in
10 accordance with the child safety seat and vehicle manufacturers' instructions if the
11 child:

12 (1) Is [under the age of 4 years, regardless of the child's weight; or] 8
13 YEARS OLD OR YOUNGER; AND

14 (2) Weighs [40] 80 pounds or less[, regardless of the child's age].

15 (e) A person may not transport a child under the age of 16 years unless the
16 child is secured in:

17 (1) A child safety seat in accordance with the child safety seat and
18 vehicle manufacturers' instructions; or

19 (2) A seat belt.

20 (f) If a physician, who is licensed to practice medicine in the state in which the
21 vehicle transporting the child is registered, certifies in writing that use of a child
22 safety seat by a particular child would be impractical due to the child's weight,
23 physical unfitness, or other medical reason, there is not a violation of this section.

24 (g) A child safety seat or seat belt may not be used to restrain, seat, or position
25 more than 1 individual at a time.

26 (h) If the number of children subject to the provisions of this section exceeds
27 the number of passenger securing locations [available] SUITABLE FOR SECURING A
28 CHILD SAFETY SEAT IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS
29 for use by children [affected by] IN ACCORDANCE WITH this section, and all of those
30 securing locations are in use by children, there is not a violation of this section.

31 (i) A violation of this section is not contributory negligence and may not be
32 admitted as evidence in the trial of any civil action.

33 (j) A violation of this section is not considered a moving violation for purposes
34 of § 16-402 of this article.

1 (k) The failure to provide a child safety seat or seat belt for more than 1 child
2 in the same vehicle at the same time, as required by this section, shall be treated as
3 a single violation.

4 (l) (1) Any person convicted of a violation of this section is subject to a
5 fine of \$25.

6 (2) A judge may waive the fine if the person charged with violation of
7 this section:

8 (i) Did not possess a child safety seat at the time of the violation;

9 (ii) Acquires a child safety seat prior to the hearing date; and

10 (iii) Provides proof of acquisition to the court.

11 (m) The Department of Transportation and the Department of Health and
12 Mental Hygiene shall jointly implement the Child Safety Seat Program and foster
13 compliance with this section through educational and promotional efforts.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.