

SENATE BILL 359

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R6

2001 Regular Session  
11r2187  
CF 11r1351

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By: **Senator Forehand**

Introduced and read first time: February 1, 2001  
Assigned to: Judicial Proceedings

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Committee Report: Favorable  
Senate action: Adopted with floor amendments  
Read second time: March 7, 2001

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CHAPTER \_\_\_\_\_

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 that for a certain  
6 period of time, this Act may be enforced only by the issuance of a warning that  
7 informs the offender of the requirements of this Act; providing for a delayed  
8 effective date; and generally relating to child booster seats.

9 BY repealing and reenacting, with amendments,  
10 Article - Transportation  
11 Section 22-412.2  
12 Annotated Code of Maryland  
13 (1999 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 - Transportation**

17 22-412.2.

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

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

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

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

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

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

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

10 (1) Class A (passenger) vehicle;

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

13 (3) Class M (multipurpose) vehicle.

14 (d) A person transporting a child shall secure the child in a child safety seat in  
15 accordance with the child safety seat and vehicle manufacturers' instructions if the  
16 child:

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

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

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

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

24 (2) A seat belt.

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

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

31 (h) If the number of children subject to the provisions of this section exceeds  
32 the number of passenger securing locations [available] SUITABLE FOR SECURING A  
33 CHILD EITHER IN A SEATBELT OR IN A CHILD SAFETY SEAT IN ACCORDANCE WITH  
34 ~~THE MANUFACTURER'S INSTRUCTIONS~~ for use by children [affected by] IN

1 ACCORDANCE WITH this section, and all of those securing locations are in use by  
2 children, there is not a violation of this section.

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

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

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

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

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That for the first 6 months  
21 that this Act is in effect, this Act may be enforced only by the issuance of a warning  
22 that informs the offender of the requirements of this Act and a citation may not be  
23 issued for a violation of this Act occurring before April 1, 2003.

24 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
25 effect October 1, 2002.