Unofficial Copy R6 2002 Regular Session 2lr1872 CF 2lr2749

By: Delegate Bronrott Introduced and read first time: February 6, 2002 Assigned to: Commerce and Government Matters A BILL ENTITLED 1 AN ACT concerning 2 **Vehicle Laws - Child Booster Seats** 3 FOR the purpose of including "child booster seat" in the definition of "child safety seat"; altering the definition of "child safety seat"; altering the circumstances 4 5 under which a child is required to be secured in a child safety seat when 6 traveling in a motor vehicle; providing that certain provisions of this Act do not apply to a person transporting a child in a motor vehicle registered in another 7 8 state, in the District of Columbia, or in another country until a certain date; providing for the termination of a certain provision of this Act; providing for a 9 delayed effective date; and generally relating to child booster seats. 10 11 BY repealing and reenacting, with amendments, 12 Article - Transportation Section 22-412.2 13 14 Annotated Code of Maryland (1999 Replacement Volume and 2001 Supplement) 15 16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 17 MARYLAND, That the Laws of Maryland read as follows: 18 **Article - Transportation** 19 22-412.2. In this section the following words have the meanings indicated. 20 (a) (1) "Child safety seat" means a device, INCLUDING A CHILD 21 (2) (i) 22 BOOSTER SEAT, that [is manufactured in accordance with the 1981 Federal Motor 23 Vehicle Safety Standards and is] THE MANUFACTURER: 24 1. CERTIFIES IS MANUFACTURED IN ACCORDANCE WITH

INTENDS TO BE used to restrain, seat, or position a child

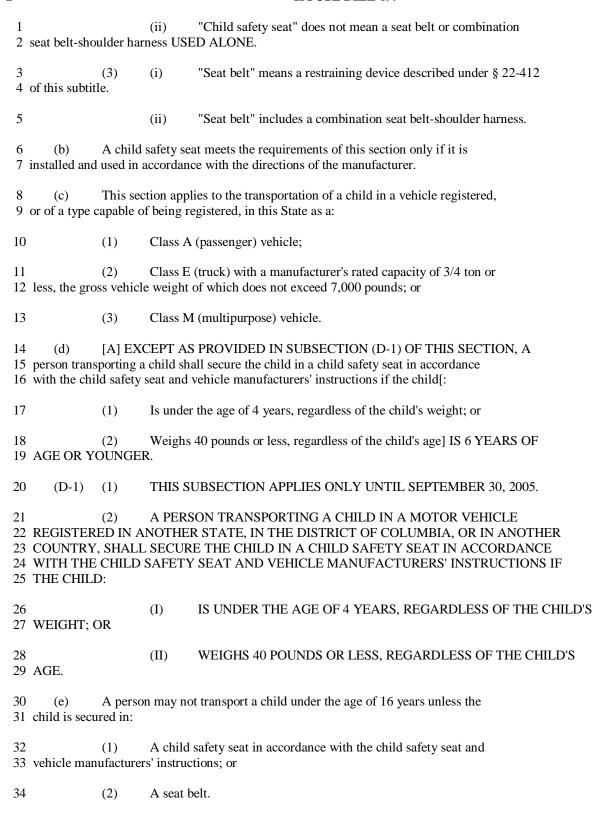
25 APPLICABLE FEDERAL SAFETY STANDARDS; AND

27 who is transported in a motor vehicle.

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HOUSE BILL 699



- **HOUSE BILL 699** 1 (f) If a physician, who is licensed to practice medicine in the state in which the 2 vehicle transporting the child is registered, certifies in writing that use of a child 3 safety seat by a particular child would be impractical due to the child's weight, 4 physical unfitness, or other medical reason, there is not a violation of this section. A child safety seat or seat belt may not be used to restrain, seat, or position 5 6 more than 1 individual at a time. 7 If the number of children subject to the provisions of this section exceeds 8 the number of passenger securing locations [available for use by children affected by] 9 SUITABLE FOR SECURING A CHILD EITHER IN A SEAT BELT OR IN A CHILD SAFETY 10 SEAT IN ACCORDANCE WITH this section, and all of those securing locations are in use 11 by children, there is not a violation of this section. 12 A violation of this section is not contributory negligence and may not be 13 admitted as evidence in the trial of any civil action. A violation of this section is not considered a moving violation for purposes 14 15 of § 16-402 of this article. 16 The failure to provide a child safety seat or seat belt for more than 1 child 17 in the same vehicle at the same time, as required by this section, shall be treated as 18 a single violation. 19 (1) (1) Any person convicted of a violation of this section is subject to a fine 20 of \$25. 21 (2) A judge may waive the fine if the person charged with violation of 22 this section: 23 (i) Did not possess a child safety seat at the time of the violation; 24 Acquires a child safety seat prior to the hearing date; and (ii) 25 Provides proof of acquisition to the court. (iii) 26 (m) The Department of Transportation and the Department of Health and 27 Mental Hygiene shall jointly implement the Child Safety Seat Program and foster 28 compliance with this section through educational and promotional efforts. 29 SECTION 2. AND BE IT FURTHER ENACTED, That § 22-412.2(d-1) of the 30 Transportation Article, as enacted by this Act, shall remain effective for a period of 2
- 31 years and, at the end of September 30, 2005, with no further action required by the
- 32 General Assembly, shall be abrogated and of no further force and effect.
- 33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 34 October 1, 2003.