

SENATE BILL 802

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R6

2002 Regular Session
(21r2749)

ENROLLED BILL

-- Judicial Proceedings/Commerce and Government Matters --

Introduced by **Senator Forehand**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

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
4 seat"; altering the definition of "child safety seat"; altering the circumstances
5 under which a child is required to be secured in a child safety seat when
6 traveling in a motor vehicle *registered in the State; requiring a child to be*
7 *secured in a child safety seat under certain circumstances when traveling in a*
8 *motor vehicle registered outside the State; providing that certain provisions of*
9 *this Act do not apply to a person transporting a child in a motor vehicle*
10 *registered in another state, in the District of Columbia, or in another country*
11 *until a certain date; providing for the termination of a certain provision of this*
12 *Act; providing for a delayed effective date; and generally relating to child booster*
13 *seats.*

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 22-412.2

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2001 Supplement)

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

5 **Article - Transportation**

6 22-412.2.

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

8 (2) (i) "Child safety seat" means a device, INCLUDING A CHILD
9 BOOSTER SEAT, that [is manufactured in accordance with the 1981 Federal Motor
10 Vehicle Safety Standards and] THE MANUFACTURER ~~CERTIFIES~~ is:

11 1. CERTIFIES IS MANUFACTURED IN ACCORDANCE WITH
12 APPLICABLE FEDERAL SAFETY STANDARDS; AND

13 2. ~~INTENDED~~ INTENDS TO BE used to restrain, seat, or
14 position a child who is transported in a motor vehicle.

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

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

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

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

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

24 (1) Class A (passenger) vehicle;

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

27 (3) Class M (multipurpose) vehicle.

28 (d) ~~[A] EXCEPT AS PROVIDED IN SUBSECTION (D-1) OF THIS SECTION, A~~
29 person transporting a child IN A MOTOR VEHICLE REGISTERED IN THE STATE shall
30 secure the child in a child safety seat in accordance with the child safety seat and
31 vehicle manufacturers' instructions if the child:

32 (1) Is under the age of 4 6 years, regardless of the child's weight; or

1 (2) Weighs 40 pounds or less, regardless of the child's age} ~~IS 6 YEARS OF~~
2 ~~AGE OR YOUNGER.~~

3 (D-1) ~~(+)~~ ~~THIS SUBSECTION APPLIES ONLY UNTIL SEPTEMBER 30, 2005.~~

4 ~~(2)~~ A PERSON TRANSPORTING A CHILD IN A MOTOR VEHICLE
5 REGISTERED IN ANOTHER STATE, IN THE DISTRICT OF COLUMBIA, OR IN ANOTHER
6 COUNTRY, SHALL SECURE THE CHILD IN A CHILD SAFETY SEAT IN ACCORDANCE
7 WITH THE CHILD SAFETY SEAT AND VEHICLE MANUFACTURERS' INSTRUCTIONS IF
8 THE CHILD:

9 ~~(+)~~ ~~(1)~~ IS UNDER THE AGE OF 4 YEARS, REGARDLESS OF THE
10 CHILD'S WEIGHT; OR

11 ~~(+)~~ ~~(2)~~ WEIGHS 40 POUNDS OR LESS, REGARDLESS OF THE
12 CHILD'S AGE.

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

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

17 (2) A seat belt.

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

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

24 (h) If the number of children subject to the provisions of this section exceeds
25 the number of passenger securing locations [available for use by children affected by]
26 ~~SUITABLE FOR SECURING A CHILD EITHER IN A SEAT BELT OR IN A CHILD SAFETY~~
27 ~~SEAT IN ACCORDANCE WITH~~ this section, and all of those securing locations are in use
28 by children, there is not a violation of this section.

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

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

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

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

3 (2) (2) A judge may waive the fine if the person charged with violation of
4 this section:

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

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

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

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

11 ~~SECTION 2. AND BE IT FURTHER ENACTED, That § 22-412.2(d-1) of the~~
12 ~~Transportation Article, as enacted by this Act, shall remain effective for a period of 2~~
13 ~~years and, at the end of September 30, 2005, with no further action required by the~~
14 ~~General Assembly, shall be abrogated and of no further force and effect.~~

15 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
16 ~~October 1, 2003.~~