

SENATE BILL 802

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2002 Regular Session
2lr2749
CF 2lr1872

By: **Senator Forehand**

Introduced and read first time: February 11, 2002

Assigned to: Rules

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
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; providing that certain provisions of this Act do not
7 apply to a person transporting a child in a motor vehicle registered in another
8 state, in the District of Columbia, or in another country until a certain date;
9 providing for the termination of a certain provision of this Act; providing for a
10 delayed effective date; and generally relating to child booster seats.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 22-412.2
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2001 Supplement)

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.

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

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

24 1. MANUFACTURED IN ACCORDANCE WITH APPLICABLE
25 FEDERAL SAFETY STANDARDS; AND

26 2. INTENDED TO BE used to restrain, seat, or position a child
27 who is 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] EXCEPT AS PROVIDED IN SUBSECTION (D-1) OF THIS SECTION, A
15 person transporting a child shall secure the child in a child safety seat in accordance
16 with the child safety seat and vehicle manufacturers' instructions if the child[:

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

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

20 (D-1) (1) THIS SUBSECTION APPLIES ONLY UNTIL SEPTEMBER 30, 2005.

21 (2) A PERSON TRANSPORTING A CHILD IN A MOTOR VEHICLE
22 REGISTERED IN ANOTHER STATE, IN THE DISTRICT OF COLUMBIA, OR IN ANOTHER
23 COUNTRY, SHALL SECURE THE CHILD IN A CHILD SAFETY SEAT IN ACCORDANCE
24 WITH THE CHILD SAFETY SEAT AND VEHICLE MANUFACTURERS' INSTRUCTIONS IF
25 THE CHILD:

26 (I) IS UNDER THE AGE OF 4 YEARS, REGARDLESS OF THE CHILD'S
27 WEIGHT; OR

28 (II) WEIGHS 40 POUNDS OR LESS, REGARDLESS OF THE CHILD'S
29 AGE.

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

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

34 (2) A seat belt.

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.

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

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

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

16 (k) 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 (l) (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 (ii) Acquires a child safety seat prior to the hearing date; and

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

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.