SENATE BILL 802

By: **Senator Forehand**
Introduced and read first time: February 11, 2002
Assigned to: Rules
Re-referred to: Judicial Proceedings, February 14, 2002

Committee Report: Favorable
Senate action: Adopted
Read second time: March 13, 2002

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; 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.

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

4   1.   MANUFACTURED IN ACCORDANCE WITH APPLICABLE
5 FEDERAL SAFETY STANDARDS; AND

6   2.   INTENDED TO BE used to restrain, seat, or position a child
7 who is transported in a motor vehicle.

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

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

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

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

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

17   (1)   Class A (passenger) vehicle;

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

20   (3)   Class M (multipurpose) vehicle.

21   (d)   [A] EXCEPT AS PROVIDED IN SUBSECTION (D-1) OF THIS SECTION, A
22 person transporting a child shall secure the child in a child safety seat in accordance
23 with the child safety seat and vehicle manufacturers' instructions if the child[:

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

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

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

28   (2)   A PERSON TRANSPORTING A CHILD IN A MOTOR VEHICLE
29 REGISTERED IN ANOTHER STATE, IN THE DISTRICT OF COLUMBIA, OR IN ANOTHER
30 COUNTRY, SHALL SECURE THE CHILD IN A CHILD SAFETY SEAT IN ACCORDANCE
31 WITH THE CHILD SAFETY SEAT AND VEHICLE MANUFACTURERS' INSTRUCTIONS IF
32 THE CHILD:

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

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

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

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

7   (2)   A seat belt.

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

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

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

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

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

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

26   (l)   (1)   Any person convicted of a violation of this section is subject to a fine
27 of $25.

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

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

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

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

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

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

5   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2003.