

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 802

(Senator Forehand)

Judicial Proceedings

Commerce and Government Matters

Vehicle Laws - Child Booster Seats

This bill creates new provisions, updates a reference to federal safety standards, and clarifies language relating to use of child safety seats.

The bill's effective date is October 1, 2003.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill relates to definitions and use of child safety seats. "Child booster seat" is included in the definition of "child safety seat," and the manufacturer must certify that a child safety seat is manufactured in accordance with applicable federal safety standards and intended to be used to restrain, seat, or position a child. The bill clarifies that using a seat belt or combination seat belt-shoulder harness alone is not a "child safety seat."

For a vehicle registered in the State, a child under six years old, or weighing under 40 pounds regardless of age, must be properly secured in a child safety seat.

For a vehicle that is registered in another state, country, or the District of Columbia, a person must secure a child in a child safety seat if the child is under four years old, or weighs 40 pounds or less, regardless of age.

The bill slightly modifies an exception that provides that if the number of children subject to child safety seat provisions exceeds the number of suitable locations for securing a child either in a seat belt or in a child safety seat, and all suitable locations are in use by children, there is no violation. The bill distinguishes “suitable” locations from “available” locations and references both a child safety seat and a seat belt.

Current Law: “Child safety seat” is defined as a device manufactured in accordance with the 1981 Federal Motor Vehicle Safety Standards and is used to restrain, seat, or position a child who is transported in a motor vehicle. There is no definition or reference to “child booster seats.”

A child who is transported in a Class A passenger vehicle, a Class E truck (typically a three-quarter ton or smaller pick-up truck), or a Class M vehicle (typically a four-wheel-drive truck or sport utility vehicle), must be secured in a child safety seat according to the child safety seat and vehicle manufacturers’ instructions if the child is under four years old, or weighs 40 pounds or less regardless of age. If the child weighs more than 40 pounds, but is under the age of 16, the child must be secured either in a child safety seat or a seat belt.

The penalty for a violation of the child safety seat law is \$25.

Background: The National Highway Traffic Safety Administration (NHTSA) advises that traffic crashes are the number one cause of death in the U.S., and that all 50 states, the District of Columbia, and Puerto Rico have child passenger safety laws. According to the National Center for Health Statistics, motor vehicle crashes are the leading cause of death of children ages 4 to 14 years old, and each year more than 1,700 children die and over 250,000 are injured in traffic accidents.

Additional Information

Prior Introductions: In 2001 SB 359, a substantially similar bill, was reported favorably by the Judicial Proceedings Committee and passed the Senate. It was not reported out of the House Commerce and Government Matters Committee. A cross-filed bill, HB 700, was reported out of the Commerce and Government Matters Committee, but recommitted to committee from the floor.

Cross File: HB 699 (Delegate Bronrott) – Commerce and Government Matters.

Information Source(s): Department of Transportation (Office of Traffic Safety),
National Highway Traffic Safety Administration, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2002
mld/cer Revised - Enrolled Bill - April 29, 2002

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