

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 54
Judiciary

(Delegate McKee)

**Courts - Motor Vehicle Torts - Seat Belt or Child Safety Seat - Passenger Under
16 Years of Age**

This bill provides that a person may sue the driver of a motor vehicle on behalf of a child passenger under 16 years old who was not restrained by a seat belt or child safety seat, notwithstanding a prohibition against making reference to a seat belt in specified civil actions.

Fiscal Summary

State Effect: None. It is expected that any additional civil actions arising from this bill could be handled using existing resources.

Local Effect: None – see above.

Small Business Effect: Potential meaningful. Small businesses that transport children under the age of 16 could be exposed to increased liability where employee drivers fail to ensure that such children are properly restrained during transport.

Analysis

Current Law: A person transporting any children under the age of 16 in a motor vehicle generally must secure each child either in a child safety seat or with a seat belt. However, failure to do so is not contributory negligence and may not be admitted as evidence in the trial of any civil action.

Failure of any individual to use a seat belt may not: (i) be considered evidence of negligence; (ii) be considered evidence of contributory negligence; (iii) limit liability of a party or an insurer; or (iv) diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

Neither a party, witness, nor counsel in a civil action may make reference to a seat belt in a trial that involves property damage, personal injury, or death unless the damage, injury, or death is related to the design, manufacture, installation, supplying, or repair of the seat belt.

Background: In a State Legislative Fact Sheet issued in January 2001, the U.S. Department of Transportation's National Highway Traffic Safety Administration recommended making the driver of a motor vehicle responsible for restraint use by all children under 16 years of age.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2002
mam/cer

Analysis by: Debra A. Dickstein

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510