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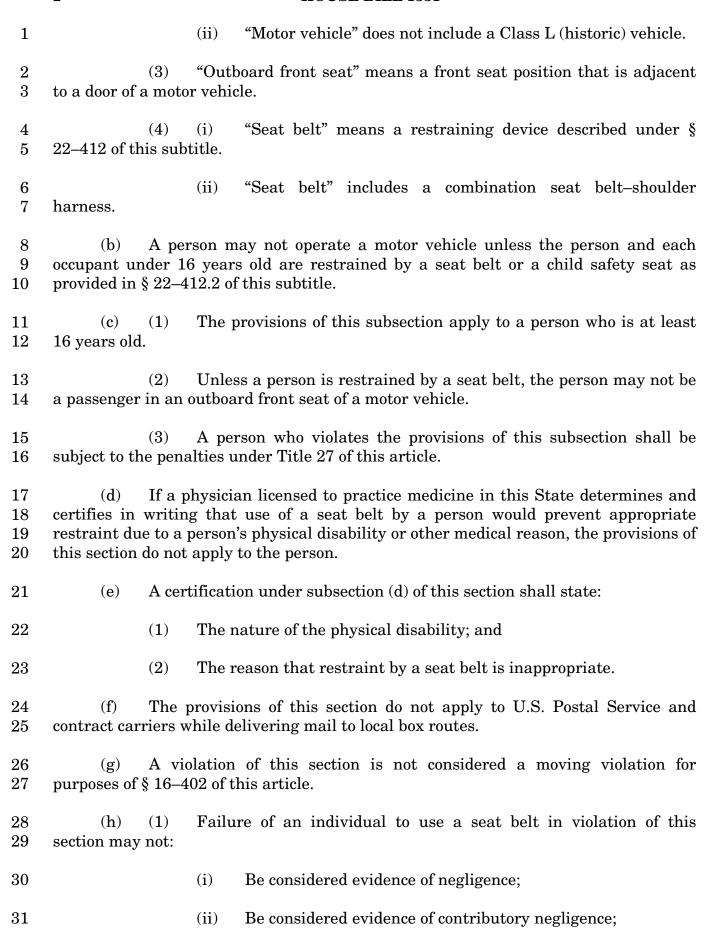
By: Delegate Conaway

Introduced and read first time: February 22, 2008 Assigned to: Rules and Executive Nominations

## A BILL ENTITLED

1	AN ACT concerning
2	Vehicle Laws - Mandatory Seat Belt Use - Enforcement
3 4 5 6	FOR the purpose of limiting a police officer to enforcing certain mandatory seat belt laws only as a secondary action when detaining a driver for another suspected violation of the law; and generally relating to the enforcement of mandatory seat belt laws.
7 8 9 10 11	BY repealing and reenacting, with amendments, Article – Transportation Section 22–412.3 Annotated Code of Maryland (2006 Replacement Volume and 2007 Supplement)
12 13	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
14	Article - Transportation
15	22–412.3.
16	(a) (1) In this section the following words have the meanings indicated.
17	(2) (i) "Motor vehicle" means a vehicle that is:
18 19 20	1. Registered or capable of being registered in this State as a Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or Class P (passenger bus) vehicle; and
$\begin{array}{c} 21 \\ 22 \end{array}$	2. Required to be equipped with seat belts under federal motor vehicle safety standards contained in the Code of Federal Regulations.





1	(iii) Limit liability of a party or an insurer; or
2 3	(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.
4 5 6 7 8	(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a seat belt during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, installation, supplying, or repair of a seat belt.
9 10 11 12	(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of an incident that involves a defectively installed or defectively operating seat belt.
13 14 15 16 17	(ii) In a civil action in which 2 or more parties are named as joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint tort-feasors or defendants is not involved in the design, manufacture, installation, supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends of justice on a motion of any party.
18 19 20	(i) The Administration and the Department of State Police shall establish prevention and education programs to encourage compliance with the provisions of this section.
21 22 23 24	(j) The Administration shall include information on this State's experience with the provisions of this section in the annual evaluation report on the State's highway safety plan that this State submits to the National Highway Traffic Safety Administration and the Federal Highway Administration under 23 U.S.C. § 402.
25 26 27	(K) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

28 29

October 1, 2008.