

SENATE BILL 789

R6, R5

(8lr3085)

ENROLLED BILL

—Judicial Proceedings / Environmental Matters—

Introduced by **Senator Forehand**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Child Safety Seats – Age and Weight Requirements**

3 FOR the purpose of ~~expanding a certain requirement relating to the use of child safety~~
4 ~~seats to include certain trucks; providing that certain provisions establishing a~~
5 ~~certain age requirement for the use of child safety seats apply to certain~~
6 ~~vehicles registered in another state or Puerto Rico; altering certain~~
7 ~~requirements for the use of child safety seats to require a person transporting a~~
8 ~~child under a certain age weight to secure the child in a child safety seat and~~
9 ~~eliminating a certain weight age requirement; expanding a certain requirement~~
10 *relating to the use of child safety seats to include certain trucks; providing that*
11 *certain provisions establishing a certain age requirement for the use of child*
12 *safety seats apply to certain vehicles registered in another state or Puerto Rico;*
13 *altering certain requirements for the use of child safety seats to require a person*
14 *transporting a child under a certain age to secure the child in a child safety seat,*
15 *subject to certain exceptions; eliminating a certain weight requirement; repealing*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 ~~*a certain requirement for the use of child safety seats that applied to a person*~~
 2 ~~*transporting a child in a motor vehicle registered in another state or country;*~~
 3 ~~*adding height to the list of reasons that a physician may use to certify that the*~~
 4 ~~*use of a child safety seat by a particular child is impractical; making certain*~~
 5 ~~*clarifying changes; repealing a certain requirement for the use of child safety*~~
 6 ~~*seats that applied to a person transporting a child in a motor vehicle registered*~~
 7 ~~*in another state or country; adding height to the list of reasons that a physician*~~
 8 ~~*may use to certify that the use of a child safety seat by a particular child is*~~
 9 ~~*impractical; making certain clarifying changes; and generally relating to child*~~
 10 ~~*safety seats.*~~

11 BY repealing and reenacting, with amendments,
 12 Article – Transportation
 13 Section ~~22-412.2(d)~~ 22-412.2
 14 Annotated Code of Maryland
 15 (2006 Replacement Volume and 2007 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 booster~~
 22 ~~seat, that the manufacturer:~~

23 1. ~~Certifies is manufactured in accordance with~~
 24 ~~applicable federal safety standards; and~~

25 2. ~~Intends to be used to restrain, seat, or position a child~~
 26 ~~who is transported in a motor vehicle.~~

27 (ii) ~~“Child safety seat” does not mean a seat belt or combination~~
 28 ~~seat belt shoulder harness used alone.~~

29 (3) (i) ~~“Seat belt” means a restraining device described under §~~
 30 ~~22-412 of this subtitle.~~

31 (ii) ~~“Seat belt” includes a combination seat belt shoulder~~
 32 ~~harness.~~

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

1 ~~(e) This section applies to the transportation of a child in [a]:~~

2 ~~(1) A MOTOR vehicle registered, or of a type capable of being~~
3 ~~registered, in this State as a:~~

4 ~~[(1) (I) Class A (passenger) vehicle;~~

5 ~~[(2) (II) Class E (truck) [with a manufacturer's rated capacity of 3/4~~
6 ~~ton or less, the gross vehicle weight of which does not exceed 7,000 pounds.] VEHICLE;~~
7 ~~or~~

8 ~~[(3) (III) Class M (multipurpose) vehicle; AND~~

9 ~~(2) A VEHICLE REGISTERED IN ANOTHER STATE OR PUERTO~~
10 ~~RICO THAT IS THE SAME TYPE OF VEHICLE AS A VEHICLE IDENTIFIED IN ITEM~~
11 ~~(1) OF THIS SUBSECTION.~~

12 ~~(d) A person transporting a child UNDER THE AGE OF 8 YEARS in a motor~~
13 ~~vehicle [registered in the State] shall secure the child in a child safety seat in~~
14 ~~accordance with the child safety seat and vehicle manufacturers' instructions [if the~~
15 ~~child:~~

16 ~~(1) Is under the age of 6 years, regardless of the child's weight; or~~

17 ~~(2) Weighs 40 pounds or less, regardless of the child's age.~~

18 ~~(d-1) A person transporting a child in a motor vehicle registered in another~~
19 ~~state, in the District of Columbia, or in another country, shall secure the child in a~~
20 ~~child safety seat in accordance with the child safety seat and vehicle manufacturers'~~
21 ~~instructions if the child:~~

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

23 ~~(2) Weighs 40 pounds or less, regardless of the child's age].~~

24 ~~(e) [A] SUBJECT TO SUBSECTION (D) OF THIS SECTION, A person may not~~
25 ~~transport a child under the age of 16 years unless the child is secured in:~~

26 ~~(1) A child safety seat in accordance with the child safety seat and~~
27 ~~vehicle manufacturers' instructions; or~~

28 ~~(2) A seat belt.~~

29 ~~(f) [If] NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, IF a~~
30 ~~physician, who is licensed to practice medicine in the state in which the vehicle~~
31 ~~transporting the child is registered, certifies in writing that use of a child safety seat~~

1 ~~by a particular child would be impractical due to the child's weight, HEIGHT, physical~~
 2 ~~unfitness, or other medical reason, there is not a violation of this section.~~

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

5 ~~(h) [If] NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, IF the~~
 6 ~~number of children subject to the provisions of this section exceeds the number of~~
 7 ~~passenger securing locations suitable for securing a child either in a seat belt or in a~~
 8 ~~child safety seat in accordance with this section, and all of those securing locations are~~
 9 ~~in use by children, there is not a violation of this section.~~

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

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

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

17 ~~(l) (1) Any person convicted of a violation of this section is subject to a~~
 18 ~~fine of \$25.~~

19 ~~(2) A judge may waive the fine if the person charged with violation of~~
 20 ~~this section:~~

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

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

24 ~~(iii) Provides proof of acquisition to the court.~~

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

28 22-412.2.

29 ~~(d) A person transporting a child in a motor vehicle registered in the State~~
 30 ~~shall secure the child in a child safety seat in accordance with the child safety seat and~~
 31 ~~vehicle manufacturers' instructions if the child:~~

32 ~~(1) Is under the age of 6 years, regardless of the child's weight; or~~

1 ~~(2) Weighs 40] WEIGHS 50 pounds or less[, regardless of the child's~~
 2 ~~age].~~

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

4 (2) (i) “Child safety seat” means a device, including a child booster
 5 seat, that the manufacturer:

6 1. Certifies is manufactured in accordance with
 7 applicable federal safety standards; and

8 2. Intends to be used to restrain, seat, or position a child
 9 who is transported in a motor vehicle.

10 (ii) “Child safety seat” does not mean a seat belt or combination
 11 seat belt–shoulder harness used alone.

12 (3) (i) “Seat belt” means a restraining device described under §
 13 22–412 of this subtitle.

14 (ii) “Seat belt” includes a combination seat belt–shoulder
 15 harness.

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

18 (c) This section applies to the transportation of a child in [a]:

19 (1) **A MOTOR** vehicle registered, or of a type capable of being registered,
 20 in this State as a:

21 [(1)] (I) Class A (passenger) vehicle;

22 [(2)] (II) Class E (truck) [with a manufacturer’s rated capacity of 3/4
 23 ton or less, the gross vehicle weight of which does not exceed 7,000 pounds] **VEHICLE;**
 24 or

25 [(3)] (III) Class M (multipurpose) vehicle; **AND**

26 (2) **A VEHICLE REGISTERED IN ANOTHER STATE OR PUERTO RICO**
 27 **THAT IS THE SAME TYPE OF VEHICLE AS A VEHICLE IDENTIFIED IN ITEM (1) OF**
 28 **THIS SUBSECTION.**

29 (d) A person transporting a child **UNDER THE AGE OF 8 YEARS** in a motor
 30 vehicle [registered in the State] shall secure the child in a child safety seat in

1 accordance with the child safety seat and vehicle manufacturers' instructions
2 [if]UNLESS the child:

3 (1) Is [under the age of 6 years, regardless of the child's weight]4
4 **FEET, 9 INCHES TALL OR TALLER;** or

5 (2) Weighs [40]MORE THAN 65 pounds [or less, regardless of the
6 child's age.

7 (d-1) A person transporting a child in a motor vehicle registered in another
8 state, in the District of Columbia, or in another country, shall secure the child in a
9 child safety seat in accordance with the child safety seat and vehicle manufacturers'
10 instructions if the child:

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

12 (2) Weighs 40 pounds or less, regardless of the child's age].

13 (e) [A] SUBJECT TO SUBSECTION (D) OF THIS SECTION, A person may not
14 transport a child under the age of 16 years unless the child is secured in:

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

17 (2) A seat belt.

18 (f) [If] NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, IF a
19 physician, who is licensed to practice medicine in the state in which the vehicle
20 transporting the child is registered, certifies in writing that use of a child safety seat by
21 a particular child would be impractical due to the child's weight, **HEIGHT**, physical
22 unfitness, or other medical reason, there is not a violation of this section.

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

25 (h) [If] NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, IF the
26 number of children subject to the provisions of this section exceeds the number of
27 passenger securing locations suitable for securing a child either in a seat belt or in a
28 child safety seat in accordance with this section, and all of those securing locations are
29 in use by children, there is not a violation of this section.

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

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

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

4 (l) (1) Any person convicted of a violation of this section is subject to a fine
5 of \$25.

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

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 June 30, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.