

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 789

(Senator Forehand)

Judicial Proceedings

Environmental Matters

Vehicle Laws - Child Safety Seats - Age and Weight Requirements

This bill expands the child safety seat requirement to all children younger than age eight being transported in motor vehicles unless the child is four feet, nine inches or taller or weighs more than 65 pounds. The requirement applies to passenger, truck, and multipurpose motor vehicles registered or capable of being registered in Maryland as well as any such vehicles registered in another state or Puerto Rico. The bill adds height to the reasons for which a licensed physician can provide written certification to exempt a child from the child safety seat requirement. The bill applies the current fine of \$25 to those who violate this requirement.

The bill takes effect June 30, 2008.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to expansion of the mandatory child safety seat requirement. The bill's requirements could be enforced within existing resources.

Local Effect: The bill's requirements could be enforced with existing resources.

Small Business Effect: None.

Analysis

Current Law: A "child safety seat" does not mean a seat belt, but is a device, including a child booster seat, that the manufacturer certifies complies with applicable federal

safety standards and is intended to restrain, seat, or position a child who is transported in a motor vehicle. A “seat belt” is any belt, strap, harness or similar device and includes a combination seat belt-shoulder harness.

The mandatory use of child safety seats applies to the transportation of a child who is either younger than age six, regardless of weight, or weighs 40 pounds or less, regardless of the child’s age. The requirement applies to passenger, truck, or multipurpose vehicles that are either registered or capable of being registered in Maryland. A person transporting a child in a motor vehicle registered in another state, the District of Columbia, or another country must comply with the mandatory child safety seat requirement if the child is younger than age four, regardless of the child’s weight, or weighs 40 pounds or less, regardless of the child’s age.

A person is prohibited from transporting a child younger than age 16 in a motor vehicle unless the child is secured in a child safety seat (in accordance with the manufacturer’s instructions) or a seat belt. A particular child may be exempted from the child safety seat or seat belt requirement if a physician who is licensed in the state where the vehicle transporting the child is registered provides written certification that use of a child safety seat by that particular child would be impractical due to the child’s weight, physical unfitness, or other medical reason.

A child safety seat may not be used to restrain more than one individual at a time. However, if the number of children subject to this law exceeds the number of suitable passenger securing locations for children and all of the securing locations are in use by children, then the person transporting the children is not in violation of the mandate.

A violation of the mandatory use of a child safety seat or seat belt for children is not contributory negligence and may not be admitted as evidence in any civil trial. It is also not a moving violation for which points may be assessed. The failure to provide a child safety seat or seat belt for more than one child in the same vehicle at the same time has to be treated as a single violation. A violator of these provisions is subject to a fine of \$25.

A judge may waive the \$25 fine if the person charged did not possess a child safety seat at the time of the violation, acquires a child safety seat before the hearing date, and provides proof of acquisition to the court. The Maryland Department of Transportation and the Department of Health and Mental Hygiene have to jointly implement the Child Safety Seat Program and encourage compliance through educational and promotional efforts.

Additional Information

Prior Introductions: None.

Cross File: HB 1312 (Delegate Bronrott, *et al.*) – Environmental Matters.

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

Fiscal Note History: First Reader - March 7, 2008
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Revised - Enrolled Bill - May 5, 2008
Revised - Updated Information - June 16, 2008

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