

HOUSE BILL 1028

R6
HB 1543/08 – ENV

9lr2650

By: **Delegate Conaway**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Mandatory Seat Belt Use – Warning for Improper Use**

3 FOR the purpose of providing that a person who attempts to use a seat belt as
4 required by certain provisions of law but who fails to use the seat belt in
5 accordance with certain design specifications is not in violation of certain
6 mandatory seat belt laws; prohibiting the issuance of a citation and requiring
7 the issuance of a certain warning under certain circumstances to a person for
8 the failure to use a seat belt properly; and generally relating to mandatory seat
9 belt use.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 22–412.3
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2008 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Transportation**

18 22–412.3.

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

20 (2) (i) “Motor vehicle” means a vehicle that is:

21 1. Registered or capable of being registered in this State
22 as a Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or
23 Class P (passenger bus) vehicle; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



2. Required to be equipped with seat belts under federal motor vehicle safety standards contained in the Code of Federal Regulations.

(ii) “Motor vehicle” does not include a Class L (historic) vehicle.

(3) “Outboard front seat” means a front seat position that is adjacent to a door of a motor vehicle.

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

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

(b) A person may not operate a motor vehicle unless the person and each occupant under 16 years old are restrained by a seat belt or a child safety seat as provided in § 22–412.2 of this subtitle.

(c) (1) The provisions of this subsection apply to a person who is at least 16 years old.

(2) Unless a person is restrained by a seat belt, the person may not be a passenger in an outboard front seat of a motor vehicle.

(3) A person who violates the provisions of this subsection shall be subject to the penalties under Title 27 of this article.

(d) If a physician licensed to practice medicine in this State determines and certifies in writing that use of a seat belt by a person would prevent appropriate restraint due to a person’s physical disability or other medical reason, the provisions of this section do not apply to the person.

(e) A certification under subsection (d) of this section shall state:

(1) The nature of the physical disability; and

(2) The reason that restraint by a seat belt is inappropriate.

(f) The provisions of this section do not apply to U.S. Postal Service and contract carriers while delivering mail to local box routes.

(g) A violation of this section is not considered a moving violation for purposes of § 16–402 of this article.

(h) (1) Failure of an individual to use a seat belt in violation of this section may not:

(i) Be considered evidence of negligence;

1 (ii) Be considered evidence of contributory negligence;

2 (iii) Limit liability of a party or an insurer; or

3 (iv) Diminish recovery for damages arising out of the ownership,
4 maintenance, or operation of a motor vehicle.

5 (2) Subject to the provisions of paragraph (3) of this subsection, a
6 party, witness, or counsel may not make reference to a seat belt during a trial of a civil
7 action that involves property damage, personal injury, or death if the damage, injury,
8 or death is not related to the design, manufacture, installation, supplying, or repair of
9 a seat belt.

10 (3) (i) Nothing contained in this subsection may be construed to
11 prohibit the right of a person to institute a civil action for damages against a dealer,
12 manufacturer, distributor, factory branch, or other appropriate entity arising out of an
13 incident that involves a defectively installed or defectively operating seat belt.

14 (ii) In a civil action in which 2 or more parties are named as
15 joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of
16 the joint tort-feasors or defendants is not involved in the design, manufacture,
17 installation, supplying, or repair of a seat belt, a court shall order separate trials to
18 accomplish the ends of justice on a motion of any party.

19 (i) The Administration and the Department of State Police shall establish
20 prevention and education programs to encourage compliance with the provisions of
21 this section.

22 (j) The Administration shall include information on this State's experience
23 with the provisions of this section in the annual evaluation report on the State's
24 highway safety plan that this State submits to the National Highway Traffic Safety
25 Administration and the Federal Highway Administration under 23 U.S.C. § 402.

26 **(K) A PERSON WHO ATTEMPTS TO USE A SEAT BELT AS REQUIRED BY**
27 **THIS SECTION BUT WHO FAILS TO USE THE SEAT BELT PROPERLY IN**
28 **ACCORDANCE WITH THE SEAT BELT MANUFACTURER'S DESIGN**
29 **SPECIFICATIONS:**

30 **(1) IS NOT IN VIOLATION OF THIS SECTION;**

31 **(2) MAY NOT BE ISSUED A CITATION; AND**

32 **(3) SHALL BE ISSUED A WARNING THAT INCLUDES INSTRUCTION**
33 **ON THE PROPER USE OF A SEAT BELT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2009.