

HOUSE BILL 1079

R6
HB 1531/08 – ENV

9lr2649

By: **Delegates Conaway and Boteler**
Introduced and read first time: February 13, 2009
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Mandatory Seat Belt Use – Enforcement**

3 FOR the purpose of limiting a police officer to enforcing certain mandatory seat belt
4 laws only as a secondary action when detaining a driver for another suspected
5 violation of the law; and generally relating to the enforcement of mandatory
6 seat belt laws.

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

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 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 1. Registered or capable of being registered in this State
19 as a Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or
20 Class P (passenger bus) vehicle; and

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

4 (4) (i) “Seat belt” means a restraining device described under §
5 22–412 of this subtitle.

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

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

11 (c) (1) The provisions of this subsection apply to a person who is at least
12 16 years old.

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

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

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

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

22 (1) The nature of the physical disability; and

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

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

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

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

30 (i) Be considered evidence of negligence;

31 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

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

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

25 **(K) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A**
26 **SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A**
27 **SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

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