

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1028 (Delegate Conaway)  
Environmental Matters

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**Motor Vehicles - Mandatory Seat Belt Use - Warning for Improper Use**

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This bill prohibits the issuance of a citation for a person's failure to use a seat belt in accordance with the manufacturer's design specifications if the person attempted to use the seat belt. Instead, it requires that the person be warned and instructed as to the proper use of a seat belt.

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**Fiscal Summary**

**State Effect:** General fund revenues may decrease minimally beginning in FY 2010 due to the collection of fewer fines. Enforcement can be handled with existing resources.

**Local Effect:** Enforcement can be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A driver may not operate a motor vehicle unless the driver, any person in the front passenger seat, and any occupant younger than 16, are restrained by a seat belt or child safety seat, as specified. A person subject to the seat belt requirement may be exempt if a licensed physician certifies in writing that the use of a seat belt prevents appropriate restraint due to a physical disability or other medical reason. A person who violates these requirements is subject to a fine of not more than \$25, including court costs.

**Background:** Forty-nine states and the District of Columbia mandate the use of seat-belts. Twenty-six states including Maryland, Delaware, and New Jersey as well as

the District of Columbia, have primary enforcement laws that allow police officers to stop vehicles solely for a seat belt violation. Seat belt laws in the remaining 23 states are secondarily enforced, meaning police officers must stop the vehicle for another violation before they can issue a seat belt ticket. New Hampshire is the only state without a law mandating seat belt use for adults, but the state does mandate seat belt use for children younger than age 18. In 2008, according to the National Highway Traffic Safety Administration, states with primary enforcement laws average 88% safety belt use while states with secondary enforcement laws average about 75% use. In 2006, (the latest year available) Maryland's seat belt use was surveyed to be 91.1%, among the highest in the nation.

Although "proper use" requirements are a common characteristic of state child safety seat laws, such provisions are not generally incorporated into seat belt laws. At least one state (New York) does require proper use of a seat belt. According to the New York Department of Motor Vehicles, a certified physician's letter is needed to exempt a person from proper use of a seat belt.

**State Revenues:** General fund revenues may decrease because of the bill's clarification as to when a person may be issued a citation for failure to be restrained by a seat belt. However, Legislative Services advises that it cannot reliably estimate the resulting revenue loss. Any such revenue decrease is anticipated to be minimal.

Although current law does not require restraint in accordance with any particular specifications or standards, it is current practice by at least some police departments in the State to issue citations for failure to be properly restrained. However, because there is no separate law requiring proper restraint by seat belt, the scope or extent of this practice cannot be estimated.

In fiscal 2008, 96,289 citations were issued for seat belt violations; 82,477 of them were prepaid. The District Court does not track the number of citations for improper use of a seat belt, just the total number of seat belt violations.

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### **Additional Information**

**Prior Introductions:** HB 1543 of 2008 received an unfavorable report from the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Governors Highway Safety Association, National Highway Traffic Safety Administration, New York Department of Motor Vehicles, Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2009  
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