

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE

House Bill 1079 (Delegates Conaway and Boteler)
 Environmental Matters

Vehicle Laws - Mandatory Seat Belt Use - Enforcement

This bill limits a police officer to enforcing mandatory seat belt laws as only a secondary action when the officer detains the driver for another suspected violation.

Fiscal Summary

State Effect: General fund revenues decrease by about \$1.2 million in FY 2010 due to limiting enforcement of seat belt laws to a secondary action. Out-years reflect annualization and assume no changes in the number of issued citations or the fine amount. Enforcement can be handled with existing resources. Federal fund attainment for the Maryland Department of Transportation may be reduced by almost \$0.5 million annually.

(\$ in millions)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
GF Revenue	(\$1.2)	(\$1.5)	(\$1.5)	(\$1.5)	(\$1.5)
FF Revenue	(\$.5)	(\$.5)	(\$.5)	(\$.5)	(\$.5)
Expenditure	0	0	0	0	0
Net Effect	(\$1.6)	(\$2.0)	(\$2.0)	(\$2.0)	(\$2.0)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Enforcement can be handled within existing resources.

Small Business Effect: None.

Analysis

Current Law: For purposes of this bill, “motor vehicle” means a vehicle that is registered or capable of being registered in this State as a passenger vehicle, a truck,

tractor, multipurpose, or passenger bus vehicle and that is required to have seat belts under federal motor vehicle safety standards. Historic vehicles are not subject to the mandatory seat belt requirement.

A person may not operate a motor vehicle unless the person and each occupant younger than age 16 are restrained by a seat belt or a child safety seat, as specified. A person who is age 16 or older may not be a passenger in the outboard front seat of a motor vehicle unless restrained by a seat belt. A person who violates these provisions is subject to a maximum fine of \$25, including court costs.

The mandatory seat belt provisions do not apply to a person if a Maryland licensed physician determines and certifies in writing that the person's disability or another medical reason prevents appropriate restraint by a seat belt. The certification must state the nature of the physical disability and the reason that restraint by a seat belt is inappropriate. The mandatory seat belt provisions also do not apply to U.S. Postal Service and contract carriers while delivering mail to local box routes. A violation is not a moving violation nor may it be considered evidence of negligence or contributory negligence.

The Motor Vehicle Administration (MVA) and the Department of State Police (DSP) must establish prevention and education programs to encourage compliance. MVA must include information on the State's experience with seat belt compliance in the annual evaluation report on the State's highway safety plan that is submitted to the National Highway Traffic Safety Administration and the Federal Highway Administration.

Background: Forty-nine states and the District of Columbia mandate the use of seat belts. The District of Columbia and 26 states, including Maryland, Delaware, and New Jersey, require primary enforcement of seat belt laws. The remaining 23 states require secondary enforcement. New Hampshire is the only state that does not mandate use of seat belts for adults in motor vehicles.

According to the National Highway Traffic Safety Administration, seat belt use in Maryland was surveyed to be 91.1% in 2006, among the highest in the nation. The State Highway Administration (SHA) found that over 40% of fatally injured vehicle occupants were unbelted at the time of a crash. A goal of the Maryland Strategic Highway Safety Plan is to increase seat belt use to 94.5% or greater by 2010. SHA plans include use of an incentive/recognition program for law enforcement efforts, the targeting of pickup truck drivers and passengers, continuation of high visibility enforcement efforts, more paid media in highly populated metropolitan areas, the use of focus groups to improve compliance, and additional outreach to teens.

State Fiscal Effect: General fund revenues from prepaid citations decrease by about \$1,159,833 in fiscal 2010 if enforcement of mandatory seat belt laws is limited to secondary enforcement, and accounting for the bill's October 1 effective date. In future years, general fund revenues decrease by about \$1,546,444, assuming no changes in the number of citations or in the fine amount.

The District Court reports that, in fiscal 2008, 96,289 seat belt violations were processed and 82,477 of those were prepaid with a fine of \$25. For the 82,477 prepaid violations in fiscal 2008, the District Court received \$2,061,925 in revenues. DSP advises that limiting enforcement of mandatory seat belt laws to a secondary action may reduce the number of citations by 75%. Accordingly, this bill reduces general fund revenues from prepaid citations from \$2,061,925 annually to \$515,481 annually, assuming no change in the number of citations issued. However, the number of prepaid seat belt citations varies from year to year and is unpredictable.

SHA advises that limiting seat belt enforcement to a secondary action makes Maryland ineligible for about \$450,000 annually from a federal fund highway grant for which it currently qualifies. The federal government requires states to meet four of six criteria with regard to seat belt enforcement to qualify for the highway safety grant. At this time, Maryland meets four of the six criteria. One of the criteria is that the State seat belt law requires primary enforcement, with which Maryland complies. Under this bill, Maryland no longer meets that criterion and, as a result, meets only three of the six eligibility criteria for the grant and may no longer be eligible for the highway safety grant.

Additional Information

Prior Introductions: HB 1531 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, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2009
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