

SENATE BILL 113

R5

11r0795
CF 11r1408

By: **Senators King, Benson, DeGrange, Forehand, Garagiola, Montgomery,
Peters, Ramirez, Robey, and Zirkin**
Introduced and read first time: January 21, 2011
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Child Safety Seats and Seat Belts – Penalty**

3 FOR the purpose of increasing the fine for certain violations of law relating to the
4 failure to secure a child in a child safety seat or seat belt while transporting the
5 child in a motor vehicle; and making stylistic changes.

6 BY repealing and reenacting, with amendments,
7 Article – Transportation
8 Section 22–412.2
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2010 Supplement)

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

13 **Article – Transportation**

14 22–412.2.

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

16 (2) (i) “Child safety seat” means a device, including a child booster
17 seat, that the manufacturer:

18 1. Certifies is manufactured in accordance with
19 applicable federal safety standards; and

20 2. Intends to be used to restrain, seat, or position a child
21 who is transported in a motor vehicle.

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



1 (ii) "Child safety seat" does not mean a seat belt or combination
2 seat belt–shoulder harness used alone.

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

5 (ii) "Seat belt" includes a combination seat belt–shoulder
6 harness.

7 (b) A child safety seat meets the requirements of this section only if it is
8 installed and used in accordance with the directions of the manufacturer.

9 (c) This section applies to the transportation of a child in:

10 (1) A motor vehicle registered, or of a type capable of being registered,
11 in this State as a:

12 (i) Class A (passenger) vehicle;

13 (ii) Class E (truck) vehicle; or

14 (iii) Class M (multipurpose) vehicle; and

15 (2) A vehicle registered in another state or Puerto Rico that is the
16 same type of vehicle as a vehicle identified in item (1) of this subsection.

17 (d) A person transporting a child under the age of 8 years in a motor vehicle
18 shall secure the child in a child safety seat in accordance with the child safety seat and
19 vehicle manufacturers' instructions unless the child:

20 (1) Is 4 feet, 9 inches tall or taller; or

21 (2) Weighs more than 65 pounds.

22 (e) Subject to subsection (d) of this section, a person may not transport a
23 child under the age of 16 years unless the child is secured in:

24 (1) A child safety seat in accordance with the child safety seat and
25 vehicle manufacturers' instructions; or

26 (2) A seat belt.

27 (f) Notwithstanding subsection (d) of this section, if a physician, who is
28 licensed to practice medicine in the state in which the vehicle transporting the child is
29 registered, certifies in writing that use of a child safety seat by a particular child
30 would be impractical due to the child's weight, height, physical unfitness, or other
31 medical reason, there is not a violation of this section.

1 (g) A child safety seat or seat belt may not be used to restrain, seat, or
2 position more than [1] ONE individual at a time.

3 (h) Notwithstanding subsection (d) of this section, if the number of children
4 subject to the provisions of this section exceeds the number of passenger securing
5 locations suitable for securing a child either in a seat belt or in a child safety seat in
6 accordance with this section, and all of those securing locations are in use by children,
7 there is not a violation of this section.

8 (i) A violation of this section is not contributory negligence and may not be
9 admitted as evidence in the trial of any civil action.

10 (j) A violation of this section is not considered a moving violation for
11 purposes of § 16-402 of this article.

12 (k) The failure to provide a child safety seat or seat belt for more than [1]
13 ONE child in the same vehicle at the same time, as required by this section, shall be
14 treated as a single violation.

15 (l) (1) Any person convicted of a violation of this section is subject to a
16 fine of [~~\$25~~] \$75.

17 (2) A judge may waive the fine if the person charged with violation of
18 this section:

19 (i) Did not possess a child safety seat at the time of the
20 violation;

21 (ii) Acquires a child safety seat prior to the hearing date; and

22 (iii) Provides proof of acquisition to the court.

23 (m) The Department of Transportation and the Department of Health and
24 Mental Hygiene shall jointly implement the Child Safety Seat Program and foster
25 compliance with this section through educational and promotional efforts.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2011.