

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 1173 (Delegate Conaway)
Environmental Matters

Motor Vehicles - Seatbelts - Exception for Law Enforcement Officers

This bill exempts a law enforcement officer from the mandatory requirement to use a seatbelt that applies when occupying the driver position or front outboard passenger seat position in a motor vehicle. It specifies that the requirement does not apply to a law enforcement officer's failure to use a seatbelt while operating or riding in a motor vehicle if the officer is acting within the scope of his or her official duties.

Fiscal Summary

State Effect: Potential minimal reduction in general fund revenues due to the exemption for law enforcement officers. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: Every motor vehicle registered in Maryland and manufactured and assembled after June 1, 1964, must be equipped with two sets of seatbelts on the front seat. Every motor vehicle registered in Maryland and manufactured or assembled with a rear seat after June 1, 1969, must have two sets of seatbelts on the rear seat. This provision does not apply to motorcycles, buses, trucks, or taxicabs. Failure to have the required front and/or rear seatbelts in a registered motor vehicle is a misdemeanor with a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$70.

For purposes of the seatbelt requirement, “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 is required to have seatbelts under federal motor vehicle safety standards. Historic vehicles are not subject to the mandatory seatbelt requirement.

A person may not operate a motor vehicle unless the person and each occupant younger than age 16 are restrained by a seatbelt 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 seatbelt. A person who violates these provisions is subject to a maximum fine of \$25, including court costs.

The mandatory seatbelt 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 seatbelt. The certification must state the nature of the physical disability and the reason that restraint by a seatbelt is inappropriate. The mandatory seatbelt 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 seatbelt compliance in the annual evaluation report on the State’s highway safety plan that is submitted to the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration.

Background: According to the American Automobile Association (AAA) at least 10 states (California, Colorado, Connecticut, Georgia, Hawaii, Idaho, Nebraska, Vermont, Virginia, and Wisconsin) have enacted exemptions from their seatbelt requirements for law enforcement officers. AAA advises that the language varies and may incorporate emergency services personnel. The state exemptions generally make the exemption conditional and may require, for example, that the officer be in a marked police car on official business, or that the decision not to use seatbelts is in the interest of the officer’s safety.

According to the Governors Highway Safety Association, 49 states and the District of Columbia mandate the use of seatbelts. The District of Columbia and 31 states, including Maryland, Delaware, and New Jersey, require primary enforcement of seatbelt laws. The remaining 18 states, including Pennsylvania and Virginia, require secondary enforcement only. New Hampshire is the only state that does not mandate use of seatbelts for adults in

motor vehicles. New Hampshire does, however, have a child passenger safety law that covers children younger than age 18 and is subject to primary enforcement.

According to NHTSA, seatbelt use in Maryland was surveyed to be 94% in 2009, among the highest in the nation. In 2009, 343 passenger vehicle occupant fatalities were documented. Data reported to NHTSA from the State Highway Administration found that, in traffic accidents with fatalities involving passenger occupants age five and older, about 37.3% of occupants were identified as unbelted at the time of a crash. NHTSA estimates that an additional 30 lives could have been saved in 2009 with 100% seatbelt use by all vehicle occupants.

Exhibit 1 shows the number of citations prepaid and the total number of seatbelt violations for fiscal 2009 and 2010. Generally, the District Court processes 100,000 citations annually, although the number fluctuates from year to year. It is unknown how many of these citations were issued to law enforcement officers.

Exhibit 1
Enforcement of Child Safety Seat and Seatbelt Provisions
Fiscal 2009-2010

<u>Citation</u>	<u>FY 2009</u>	<u>FY 2010</u>
Operating Vehicle with Occupant Younger Than 16 or Driver Not Restrained		
Prepaid Citations	84,370	73,308
Total Citations	91,341	86,008
Passenger Age 16 or Older in Outboard Front Seat without Seatbelt		
Prepaid Citations	7,645	6,177
Total Citations	9,227	7,889
Prepaid Revenue for Seatbelt Citations (\$25 prepay)	\$2,300,375	\$1,987,125

Source: District Court

State/Local Fiscal Effect: While there is a risk of increased insurance claims from the failure to wear seat belts by law enforcement officers, the Maryland Vehicle Law prohibits consideration of evidence that an individual failed to use a seatbelt as evidence of negligence or contributory negligence. Accordingly, State and local agencies should be able to accommodate any increased expenditures from the bill with existing resources.

The counties of Carroll, Harford, and St. Mary's advise that there is no fiscal impact from the bill. Montgomery County and the City of Takoma Park both advise that local policies will continue to mandate that law enforcement officers wear seatbelts.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Harford, Montgomery, and St. Mary's counties; City of Takoma Park; Department of Natural Resources; Department of General Services; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Governors Highway Safety Association; American Automobile Association; National Conference of State Legislatures; National Highway Traffic Safety Administration; Department of Legislative Services

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mc/ljm

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