

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 113

(Senator King, *et al.*)

Judicial Proceedings

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Vehicle Laws - Child Safety Seats and Seat Belts - Penalty

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This bill increases the fine from \$25 to \$75 for any person convicted of violating the requirement to transport children younger than age 16 in motor vehicles by using child safety seats or seat belts.

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Fiscal Summary

**State Effect:** Minimal increase in general revenue funds due to the increased penalty for violating the child safety seat or seat belt requirement. The bill's requirements can be enforced with existing resources.

**Local Effect:** The bill's requirements can be enforced with existing resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** A "child safety seat" does not mean a seat belt but is a device, including a child booster seat, that the manufacturer certifies complies with applicable federal safety standards and is intended to restrain, seat, or position a child who is transported in a motor vehicle. A "seat belt" is any belt, strap, harness, or similar device and includes a combination seat belt-shoulder harness.

The mandatory use of a child safety seat applies to the transportation of a child in a motor vehicle who is younger than age eight unless the child is four feet, nine inches or taller or weighs more than 65 pounds. The requirement applies to passenger, truck, and

multipurpose motor vehicles registered or capable of being registered in Maryland as well as any such vehicles registered in another state or Puerto Rico.

A person is prohibited from transporting a child younger than age 16 in a motor vehicle unless the child is secured in a child safety seat (in accordance with the manufacturer's instructions) or a seat belt. A particular child may be exempted from the child safety seat or seat belt requirement if a physician who is licensed in the state where the vehicle transporting the child is registered provides written certification that use of a child safety seat by that particular child would be impractical due to the child's weight, height, physical unfitness, or other medical reason.

A child safety seat may not be used to restrain more than one individual at a time. However, if the number of children subject to this law exceeds the number of suitable passenger securing locations for children and all of the securing locations are in use by children, then the person transporting the children is not in violation of the mandate.

A violation of the mandatory use of a child safety seat or seat belt for children is not contributory negligence and may not be admitted as evidence in any civil trial. It is also not a moving violation for which points may be assessed. The failure to provide a child safety seat or seat belt for more than one child in the same vehicle at the same time has to be treated as a single violation. A violator of these provisions is subject to a fine of \$25.

A judge may waive the \$25 fine if the person charged did not possess a child safety seat at the time of the violation, acquires a child safety seat before the hearing date, and provides proof of acquisition to the court. The Maryland Department of Transportation and the Department of Health and Mental Hygiene have to jointly implement the Child Safety Seat Program and encourage compliance through educational and promotional efforts.

The prepayment penalty established by the District Court for a violation under this provision is \$60, which includes court costs.

**Additional Comments:** It should be noted that another provision, § 22-412.3(b) of the Transportation Article, also prohibits the operation of a motor vehicle while transporting a child younger than age 16 unless restrained by a child safety seat or a seat belt. In addition to passenger, truck, and multipurpose vehicles, this provision also applies to tractors and passenger bus vehicles. However, the penalty for a violation under this provision is \$25. The District Court prepayment penalty is a total of \$25, which includes court costs.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:**None.

**Information Source(s):** Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - January 28, 2011  
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