

HOUSE BILL 853

R6
HB 1173/11 – ENV

2lr2211

By: **Delegate Conaway**
Introduced and read first time: February 9, 2012
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Seatbelts – Exception for Law Enforcement Officers**

3 FOR the purpose of providing that certain provisions of law requiring seat belt use do
4 not apply to a law enforcement officer, under certain circumstances; making a
5 certain stylistic change; and generally relating to law enforcement officers and
6 the use of seat belts.

7 BY repealing and reenacting, with amendments,
8 Article – Transportation
9 Section 22–412.3
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2011 Supplement)

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

14 **Article – Transportation**

15 22–412.3.

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

17 (2) (i) “Motor vehicle” means a vehicle that is:

18 1. Registered or capable of being registered in this State
19 as a Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or
20 Class P (passenger bus) vehicle; and

21 2. Required to be equipped with seat belts under federal
22 motor vehicle safety standards contained in the Code of Federal Regulations.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) “Motor vehicle” does not include a Class L (historic) vehicle.

2 (3) “Outboard front seat” means a front seat position that is adjacent
3 to a door of a motor vehicle.

4 (4) (i) “Seat belt” means a restraining device described under §
5 22–412 of this subtitle.

6 (ii) “Seat belt” includes a combination seat belt–shoulder
7 harness.

8 (b) **[A] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A**
9 person may not operate a motor vehicle unless the person and each occupant under 16
10 years old are restrained by a seat belt or a child safety seat as provided in § 22–412.2
11 of this subtitle.

12 (c) (1) The provisions of this subsection apply to a person who is at least
13 16 years old.

14 (2) **[Unless] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS**
15 **SECTION, UNLESS** a person is restrained by a seat belt, the person may not be a
16 passenger in an outboard front seat of a motor vehicle.

17 (3) A person who violates the provisions of this subsection shall be
18 subject to the penalties under Title 27 of this article.

19 (d) If a physician licensed to practice medicine in this State determines and
20 certifies in writing that use of a seat belt by a person would prevent appropriate
21 restraint due to a person’s physical disability or other medical reason, the provisions of
22 this section do not apply to the person.

23 (e) A certification under subsection (d) of this section shall state:

24 (1) The nature of the physical disability; and

25 (2) The reason that restraint by a seat belt is inappropriate.

26 (f) The provisions of this section do not apply to:

27 (1) **A U.S. Postal Service [and] OR contract [carriers] CARRIER** while
28 delivering mail to local box routes; **OR**

29 (2) **A LAW ENFORCEMENT OFFICER, AS DEFINED IN § 3–101 OF**
30 **THE PUBLIC SAFETY ARTICLE, WITH RESPECT TO THE LAW ENFORCEMENT**
31 **OFFICER’S FAILURE TO USE A SEAT BELT WHILE OPERATING OR RIDING IN A**

1 **MOTOR VEHICLE IF THE LAW ENFORCEMENT OFFICER IS ACTING WITHIN THE**
2 **SCOPE OF THE LAW ENFORCEMENT OFFICER'S OFFICIAL DUTIES.**

3 (g) A violation of this section is not considered a moving violation for
4 purposes of § 16–402 of this article.

5 (h) (1) Failure of an individual to use a seat belt in violation of this
6 section may not:

7 (i) Be considered evidence of negligence;

8 (ii) Be considered evidence of contributory negligence;

9 (iii) Limit liability of a party or an insurer; or

10 (iv) Diminish recovery for damages arising out of the ownership,
11 maintenance, or operation of a motor vehicle.

12 (2) Subject to the provisions of paragraph (3) of this subsection, a
13 party, witness, or counsel may not make reference to a seat belt during a trial of a civil
14 action that involves property damage, personal injury, or death if the damage, injury,
15 or death is not related to the design, manufacture, installation, supplying, or repair of
16 a seat belt.

17 (3) (i) Nothing contained in this subsection may be construed to
18 prohibit the right of a person to institute a civil action for damages against a dealer,
19 manufacturer, distributor, factory branch, or other appropriate entity arising out of an
20 incident that involves a defectively installed or defectively operating seat belt.

21 (ii) In a civil action in which 2 or more parties are named as
22 joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of
23 the joint tort-feasors or defendants is not involved in the design, manufacture,
24 installation, supplying, or repair of a seat belt, a court shall order separate trials to
25 accomplish the ends of justice on a motion of any party.

26 (i) The Administration and the Department of State Police shall establish
27 prevention and education programs to encourage compliance with the provisions of
28 this section.

29 (j) The Administration shall include information on this State's experience
30 with the provisions of this section in the annual evaluation report on the State's
31 highway safety plan that this State submits to the National Highway Traffic Safety
32 Administration and the Federal Highway Administration under 23 U.S.C. § 402.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2012.