

SENATE BILL 185

R6

2lr1355
CF HB 313

By: **Senators Forehand, Conway, King, Madaleno, Manno, Montgomery,
Ramirez, Raskin, and Stone**

Introduced and read first time: January 20, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2012

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicles – Child ~~Seating and~~ Safety Seats – Requirements ~~and~~**
3 **~~Prohibition~~**

4 FOR the purpose of ~~requiring a person transporting a child under a certain age in a~~
5 ~~motor vehicle to secure the child in a rear-facing child safety seat in accordance~~
6 ~~with the child safety seat and vehicle manufacturers' instructions;~~ repealing an
7 exception to a requirement that a child under a certain age must be secured in a
8 child safety seat that applies to a child weighing more than a certain amount;
9 ~~prohibiting a person from transporting a child under a certain age in a motor~~
10 ~~vehicle if the child is seated in the outboard front seat of the motor vehicle;~~
11 making stylistic ~~and conforming~~ changes; and generally relating to motor
12 vehicles and child ~~seating and~~ safety seats.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 22-412.2
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 ~~BY repealing and reenacting, without amendments,~~
19 ~~Article – Transportation~~
20 ~~Section 22-412.3(a)(3)~~
21 ~~Annotated Code of Maryland~~
22 ~~(2009 Replacement Volume and 2011 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Transportation**

4 22–412.2.

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

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

8 1. Certifies is manufactured in accordance with
9 applicable federal safety standards; and

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

12 (ii) “Child safety seat” does not mean a seat belt or combination
13 seat belt–shoulder harness used alone.

14 (3) (i) “Seat belt” means a restraining device described under §
15 22–412 of this subtitle.

16 (ii) “Seat belt” includes a combination seat belt–shoulder
17 harness.

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

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

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

23 (i) Class A (passenger) vehicle;

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

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

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

28 (d) ~~(1) A PERSON TRANSPORTING A CHILD UNDER THE AGE OF 2~~
29 ~~YEARS IN A MOTOR VEHICLE SHALL SECURE THE CHILD IN A REAR-FACING~~

1 ~~CHILD SAFETY SEAT IN ACCORDANCE WITH THE CHILD SAFETY SEAT AND~~
 2 ~~VEHICLE MANUFACTURERS' INSTRUCTIONS.~~

3 ~~(2)~~ A person transporting a child ~~under the age of~~ ~~BETWEEN THE~~
 4 ~~AGES OF 2 AND~~ 8 years in a motor vehicle shall secure the child in a child safety seat
 5 in accordance with the child safety seat and vehicle manufacturers' instructions unless
 6 the child[:

7 (1) Is] IS 4 feet, 9 inches tall or taller[; or

8 (2) Weighs more than 65 pounds].

9 (e) ~~(1)~~ Subject to subsection (d) of this section, a person may not transport
 10 a child under the age of 16 years unless the child is secured in:

11 ~~[(1)]~~ ~~(I)~~ A child safety seat in accordance with the child safety seat
 12 and vehicle manufacturers' instructions; or

13 ~~[(2)]~~ ~~(II)~~ A seat belt.

14 ~~(2) A PERSON MAY NOT TRANSPORT A CHILD UNDER THE AGE OF~~
 15 ~~13 YEARS IN A MOTOR VEHICLE IF THE CHILD IS SEATED IN THE OUTBOARD~~
 16 ~~FRONT SEAT, AS DEFINED IN § 22-412.3(A) OF THIS SUBTITLE, OF THE MOTOR~~
 17 ~~VEHICLE.~~

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

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

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

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

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

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

4 (l) (1) Any person convicted of a violation of this section is subject to a
 5 fine of \$25.

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

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

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

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

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

15 ~~22-412.3.~~

16 (a) ~~(3) "Outboard front seat" means a front seat position that is adjacent~~
 17 ~~to a door of a motor vehicle.~~

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.