

SENATE BILL 563

R6, R4, R7

2lr1452
CF HB 340

By: **Senators Forehand and Montgomery**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the standard for the number of seat belts required to be
4 equipped in the front and back seats of certain motor vehicles; altering, and
5 extending the application of, the definition of the term “seat belt”; clarifying the
6 circumstances under which certain restraint devices may be sold; altering
7 certain penalties for violations of certain provisions relating to the use of seat
8 belts and child safety seats; repealing a certain exemption relating to
9 transporting more children in a motor vehicle than the number of available seat
10 belts or child safety seats in the motor vehicle; repealing a certain definition;
11 prohibiting a person from operating a motor vehicle unless each occupant is
12 restrained by a seat belt or a child safety seat; prohibiting a person who is at
13 least a certain age from being a passenger in a motor vehicle unless the person
14 is restrained by a seat belt used in accordance with certain instructions; making
15 stylistic changes; clarifying language; making conforming changes; and
16 generally relating to seat belts and child safety seats.

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 16–113(d–1), 22–412, 22–412.2, 22–412.3, and 27–106(b)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2011 Supplement)

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

24 **Article – Transportation**

25 16–113.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d-1) (1) Notwithstanding the licensee's driving record, and subject to
2 paragraph (2) of this subsection, the Administration shall impose a restriction on each
3 provisional driver's license prohibiting the licensee from operating a motor vehicle if
4 the driver and each passenger in the motor vehicle are not restrained by a seat belt **IN**
5 **ACCORDANCE WITH § 22-412.3 OF THIS ARTICLE**, or[, in accordance with §
6 22-412.2 of this article,] by a child safety seat **OR A SEAT BELT IN ACCORDANCE**
7 **WITH § 22-412.2 OF THIS ARTICLE**.

8 (2) It is not a violation of the restriction under paragraph (1) of this
9 subsection if an individual covered by a medical exception under § 22-412.2(f) or §
10 22-412.3(d) and (e) of this article is not restrained.

11 (3) The restrictions under paragraph (1) of this subsection expire on
12 the date that the holder of a provisional license turns 18 years of age.

13 22-412.

14 (a) Every motor vehicle registered in this State and manufactured or
15 assembled after June 1, 1964, shall be equipped with **AT LEAST** two sets of seat belts
16 on the front seat of the vehicle.

17 (b) Every motor vehicle registered in this State and manufactured or
18 assembled with a rear seat after June 1, 1969, shall be equipped with **AT LEAST** two
19 sets of seat belts on the rear seat of the vehicle.

20 (c) A person may not sell or offer for sale any vehicle in violation of this
21 section.

22 (d) For the purpose of this section only, "motor vehicle" does not include any
23 motorcycle, bus, truck, or taxicab.

24 (e) [For the purpose of] **IN** this section [only], "seat belt" means [any] A belt,
25 strap, harness, **COMBINATION SEAT BELT-SHOULDER HARNESS**, or like device,
26 **INCLUDING ALL NECESSARY BUCKLES, FASTENERS, HARDWARE, AND**
27 **COMPONENTS, THAT:**

28 **(1) IS DESIGNED TO SECURE A PERSON IN A MOTOR VEHICLE IN**
29 **ORDER TO MITIGATE THE EFFECTS OF A CRASH; AND**

30 **(2) MEETS THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS**
31 **CONTAINED IN THE CODE OF FEDERAL REGULATIONS IN EFFECT AT THE TIME**
32 **THE VEHICLE WAS MANUFACTURED.**

33 (f) A [seat] belt, **STRAP, HARNESS, OR SIMILAR DEVICE THAT IS NOT A**
34 **SEAT BELT BUT IS INTENDED TO SECURE AN OCCUPANT IN A VEHICLE, OR A**

1 **COMPONENT OF THE BELT, STRAP, HARNESS, OR SIMILAR DEVICE**, may not be
2 sold or offered for sale for use in connection with the operation of a motor vehicle in
3 **[this] THE State [after June 1, 1964,]** unless it meets applicable federal motor vehicle
4 safety standards.

5 22-412.2.

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

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

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

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

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

15 (3) (i) “Seat belt” means a restraining device described under §
16 22-412 of this subtitle.

17 (ii) “Seat belt” includes a combination seat belt-shoulder
18 harness.

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

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

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

24 (i) Class A (passenger) vehicle;

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

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

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

29 (d) A person transporting a child under the age of 8 years in a motor vehicle
30 shall secure the child in a child safety seat in accordance with the child safety seat and
31 vehicle manufacturers’ instructions unless the child:

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

2 (2) Weighs more than 65 pounds.

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

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

7 (2) A seat belt.

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

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

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

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

22 [(j)] (I) A violation of this section is not considered a moving violation for
23 purposes of § 16-402 of this article.

24 [(k)] (J) The failure to provide a child safety seat or seat belt for more than
25 1 child in the same vehicle at the same time, as required by this section, shall be
26 treated as a single violation.

27 [(l)] (K) (1) Any person convicted of a violation of this section is subject
28 to a fine of [\$25] **NOT MORE THAN \$75**.

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

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

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

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

3 [(m)] (L) The Department of Transportation and the Department of Health
4 and Mental Hygiene shall jointly implement the Child Safety Seat Program and foster
5 compliance with this section through educational and promotional efforts.

6 22-412.3.

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

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

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

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

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

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

17 (4) (i) [“Seat belt” means a restraining device described under]
18 **HAS THE MEANING STATED IN § 22-412 of this subtitle.**

19 [(ii) “Seat belt” includes a combination seat belt-shoulder
20 harness.]

21 (b) A person may not operate a motor vehicle unless the person and each
22 occupant [under 16 years old] are restrained by a seat belt or a child safety seat as
23 provided in § 22-412.2 of this subtitle.

24 (c) (1) The provisions of this subsection apply to a person who is at least
25 16 years old.

26 (2) Unless a person is restrained by a seat belt **USED IN**
27 **ACCORDANCE WITH THE VEHICLE MANUFACTURER’S INSTRUCTIONS**, the person
28 may not be a passenger in [an outboard front seat of] a motor vehicle.

29 (3) A person who violates [the provisions of] this subsection [shall be]
30 **IS** subject to the penalties under Title 27 of this article.

1 (d) If a physician licensed to practice medicine in this State determines and
2 certifies in writing that use of a seat belt by a person would prevent appropriate
3 restraint due to a person's physical disability or other medical reason, [the provisions
4 of] this section [do] **DOES** not apply to the person.

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

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

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

8 (f) [The provisions of this section do] **THIS SECTION DOES** not apply to U.S.
9 Postal Service and contract carriers while delivering mail to local box routes.

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

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

14 (i) Be considered evidence of negligence;

15 (ii) Be considered evidence of contributory negligence;

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

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

19 (2) Subject to [the provisions of] paragraph (3) of this subsection, a
20 party, witness, or counsel may not make reference to a seat belt during a trial of a civil
21 action that involves property damage, personal injury, or death if the damage, injury,
22 or death is not related to the design, manufacture, installation, supplying, or repair of
23 a seat belt.

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

28 (ii) In a civil action in which [2] **TWO** or more parties are named
29 as joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and [1]
30 **ONE** of the joint tort-feasors or defendants is not involved in the design, manufacture,
31 installation, supplying, or repair of a seat belt, a court shall order separate trials to
32 accomplish the ends of justice on a motion of any party.

1 (i) The Administration and the Department of State Police shall establish
2 prevention and education programs to encourage compliance with [the provisions of]
3 this section.

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

8 27-106.

9 (b) Any person who is convicted of a violation of § 22-412.3 of this article is
10 subject to a fine of not more than [~~\$25, including court costs~~] **\$75**.

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