

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

House Bill 853 (Delegate Conaway)  
Environmental Matters

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**Motor Vehicles - Seatbelts - Exception for Law Enforcement Officers**

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This bill exempts a law enforcement officer from the mandatory requirement to use a seat belt 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 seat belt while operating or riding in a motor vehicle if the officer is acting within the scope of his or her official duties.

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**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.

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**Analysis**

**Current Law:** Every motor vehicle registered in Maryland and manufactured and assembled after June 1, 1964, must be equipped with two sets of seat belts 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 seat belts on the rear seat. This provision does not apply to motorcycles, buses, trucks, or taxicabs. Failure to have the required front and/or rear seat belts 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 seat belt 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 seat belts under federal motor vehicle safety standards. Historic vehicles are not subject to the mandatory seat belt requirement.

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

The mandatory seat belt 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 seat belt. The certification must state the nature of the physical disability and the reason that restraint by a seat belt is inappropriate. The mandatory seat belt 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 seat belt 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 seat belt 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 seat belts 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 seat belts. The District of Columbia and 32 states, including Maryland, Delaware, and New Jersey, require primary enforcement of seat belt laws. The remaining 17 states, including Pennsylvania and Virginia, require secondary enforcement only. New Hampshire is the only state that does not mandate use of seat

belts 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, seat belt use in Maryland was surveyed to be 94.7% in 2010, among the highest in the nation. In 2010, 295 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 13% of occupants were identified as unbelted at the time of a crash. NHTSA estimates that an additional 22 lives could have been saved in 2010 with 100% seat belt use by all vehicle occupants.

**Exhibit 1** shows the number of citations prepaid and the total number of seat belt violations for fiscal 2010 and 2011. 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.

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**Exhibit 1**  
**Enforcement of Child Safety Seat and Seat Belt Provisions**  
**Fiscal 2010-2011**

<b><u>Citation</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2010</u></b>
<b>Operating Vehicle With Occupant Younger than Age 16 or Driver Not Restrained</b>		
Prepaid Citations	73,308	66,446
Total Citations	86,008	84,574
<b>Passenger Age 16 or Older in Outboard Front Seat Without Seat Belt</b>		
Prepaid Citations	6,177	5,368
Total Citations	7,889	7,745
<b>Prepaid Revenue for Seat Belt Citations (\$25 prepay)</b>	<b>\$1,987,125</b>	<b>\$1,795,350</b>

Source: District Court

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**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 seat belt 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.

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## **Additional Information**

**Prior Introductions:** HB 1173 of 2011 was withdrawn before being heard by the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** 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

**Fiscal Note History:** First Reader - March 7, 2012  
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Analysis by: Karen D. Morgan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510