

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 185

(Senator Forehand, *et al.*)

Judicial Proceedings

Environmental Matters

Motor Vehicles - Child Safety Seats - Requirements

This bill repeals the weight exemption for children younger than age eight who must be in a child safety seat while being transported in a motor vehicle. Accordingly, a child younger than age eight who weighs more than 65 pounds must be restrained by a child safety seat while being transported in a motor vehicle, unless the child is exempt due to height. A child younger than age eight who is 4 feet 9 inches or taller may still be restrained by a seat belt instead of a child safety seat while being transported in a motor vehicle.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to additional people that may receive citations. Enforcement can be handled with existing resources.

Local Effect: None.

Small Business Effect: Minimal; however, small businesses may benefit from the purchase of additional child safety seats.

Analysis

Current Law: Notwithstanding the licensee's driving record, the Motor Vehicle Administration (MVA) is required to impose a restriction on the provisional driver's license that prohibits that driver from operating a motor vehicle unless the driver and each passenger in the motor vehicle are restrained by a seat belt or child safety seat, as appropriate. The mandate does not apply to an individual who has a written statement from a physician certifying that the use of a child safety seat or seat belt is not practical due to physical disability or other medical reason. The restriction expires when the provisional license holder becomes age 18.

Vehicle Restraint Equipment: 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.

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.

Required Restraints for Children: The mandatory use of child safety seats applies to the transportation of all children younger than age eight, unless the child is 4 feet 9 inches or taller or weighs more than 65 pounds. The requirement applies to passenger, truck, or multipurpose vehicles that are registered or capable of being registered in Maryland or registered in another state or Puerto Rico that are of the same type.

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 height, weight, 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 evidence of negligence or 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. The prepayment penalty assessed by the District Court is \$58, which consists of the fine and \$33 in court costs.

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.

Background: According to the Governors Highway Safety Association, all 50 states and the District of Columbia mandate the use of child safety seats for infants and other children fitting certain criteria. Forty-seven states (Arizona, Florida, and South Dakota are the exceptions) require booster seats or another appropriate device to restrain children in motor vehicles who have outgrown child safety seats but are still too small to safely use a seat belt.

According to the National Highway Traffic Safety Administration (NHTSA), motor vehicle crashes are the leading cause of death for children ages 3 to 14, based on 2007 figures, which are the latest mortality data available. In the United States, there were 1,314 traffic fatalities among children ages 14 and younger in 2009. During the same period in Maryland, NHTSA documented 16 traffic fatalities for that same age group.

In 2009, 5,366 passenger vehicle occupants ages 14 and younger were involved in fatal crashes in the United States. Among those children who were fatally injured, 46% were unrestrained. NHTSA research indicates that correct use of child safety seats reduces fatal injuries by 71% for infants and 54% for toddlers. Among children younger than age five in passenger vehicles, an estimated 309 lives were saved in 2009 by the use of child safety and booster seat devices.

A goal of the *Maryland FFY 2012 Highway Safety Plan* is to increase seat belt use to 96.7% or greater by 2015. The State Highway Administration also plans to continue an incentive/recognition program for law enforcement efforts, the targeting of pick-up truck drivers and passengers, continuation of high visibility enforcement efforts, more paid media in highly populated metropolitan areas, the use of focus groups to improve compliance, and additional outreach to teens.

State Fiscal Effect: Potential minimal increase in general fund revenues due to additional people that may be subject to the fine. Under the bill, more children who are younger than age eight must be restrained in child safety seats while being transported in motor vehicles unless they are exempt from the requirement due to their height. The Department of State Police advises that enforcement can be handled with existing resources.

Exhibit 1 shows the number of citations, both prepaid and the total, for child safety seat and 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.

Exhibit 1
Enforcement of Child Safety Seat and Seat Belt Provisions

<u>Citation</u>	<u>Fiscal 2010</u>	<u>Fiscal 2011</u>
Child Younger than Age 8 Not in Child Safety Seat		
Prepaid Citations	3,395	3,264
Total Citations	5,509	5,829
Failure to Restrain Child Younger than Age 16		
Prepaid Citations	39	49
Total Citations	83	109
Prepaid Revenue for Child Safety Seat Citations (\$58 prepay)	\$199,172	\$192,154
Operating Vehicle with Occupant Younger than 16 or Driver Not Restrained		
Prepaid Citations	73,308	66,446
Total Citations	86,008	84,574
Passenger Age 16 or Older in Outboard Front Seat without Seat Belt		
Prepaid Citations	6,177	5,368
Total Citations	7,889	7,745
Prepaid Revenue for Seat Belt Citations (\$25 prepay)	\$1,987,125	\$1,795,350
Total Prepaid Revenue for Safety Seat and Seat Belt Citations	\$2,186,297	\$1,987,504

Source: District Court of Maryland

Additional Information

Prior Introductions: None.

Cross File: HB 313 (Delegate Stein, *et al.*) - Environmental Matters.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Governors Highway Safety Administration, National Highway Traffic Safety Administration, Department of Legislative Services

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