

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 479
Judiciary

(Delegate Haynes, *et al.*)

Vehicle Laws - Law Enforcement Transport Vehicles - Seat Belts

This bill requires a “transport vehicle” registered in the State to be equipped with a seat belt or safety restraining device, approved by the local authority having jurisdiction, for each position on the vehicle that may lawfully be occupied by a passenger.

“Transport vehicle” means an emergency vehicle purchased or leased by the State, a county, or a municipality and operated by a law enforcement agency to transport persons. “Seat belt” means a restraining device that is any belt, strap, harness, or a like device.

Fiscal Summary

State Effect: All State agencies with law enforcement units surveyed currently have vehicles that meet the bill’s requirements. To the extent that law enforcement units have a limited number of vehicles that do not meet the bill’s requirements, the potential costs for retrofitting can likely be handled with existing resources.

Local Effect: While most local law enforcement agencies are already in compliance with the bill or can implement the bill with existing resources, some may incur an increase in costs to retrofit vehicles that do not meet the bill’s requirements. **This bill may impose a mandate on a unit of local government**

Small Business Effect: None.

Analysis

Current Law:

Emergency Vehicle Seat Belt Requirement: Each “emergency vehicle” registered in the State and manufactured and assembled after January 1, 1990, must be equipped with a seat belt or safety restraining device, approved by the local authority having jurisdiction, for each position on the vehicle that may be lawfully occupied by a passenger. For the purposes of this requirement, “emergency vehicle” means a vehicle purchased or leased by the State, a county, municipality, or volunteer fire department or rescue squad and operated by a (1) State, county, or municipal fire department; (2) volunteer fire department; or (3) rescue squad. A violation is not a moving violation nor may it be considered evidence of negligence or contributory negligence. However, a violation is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty set by the District Court is \$70.

Seat Belt Requirement Generally: Every motor vehicle registered in Maryland and assembled after June 1, 1964, must be equipped with two sets of seat belts in the front seat of the vehicle and, if assembled after June 1, 1969, must have two sets of seat belts on the rear seat of the vehicle. However, for purposes of this requirement, “motor vehicle” does not include any bus, motorcycle, truck, or taxicab. Generally, 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. A person who is age 16 or older is prohibited from being a passenger in an outboard front seat or in a rear seat of a motor vehicle unless the person is restrained by a seat belt. A person convicted of a violation is subject to a fine of up to \$50.

The mandatory seat belt provisions for motor vehicles 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.

Background: On April 12, 2015, one day before the close of the 2015 legislative session, Freddie Carlos Gray, Jr., a 25-year-old African American man, was arrested by the Baltimore City Police Department for possessing what the police alleged was an illegal switchblade. While being transported in a police van, Mr. Gray fell into a coma and was taken to the hospital. Mr. Gray died as a result of injuries to his spinal cord on April 19, 2015.

Eyewitnesses contended that the police officers involved used unnecessary force against Mr. Gray while arresting him. Police Commissioner Anthony W. Batts reported that, contrary to department policy, the officers did not secure Mr. Gray inside the van while transporting him to the police station. The autopsy found that Mr. Gray had sustained the injuries while in transport.

Mr. Gray's death resulted in a series of protests and widespread civil unrest. On May 1, 2015, Baltimore City State's Attorney Marilyn Mosby announced the filing of charges against the six police officers who were involved in Mr. Gray's arrest and transport. The officer driving the van was charged with second-degree depraved-heart murder, and others were charged with crimes ranging from manslaughter to illegal arrest. On May 21, 2015, a grand jury indicted the officers on most of the original charges filed by Ms. Mosby, with the exception of the charges of illegal imprisonment and false arrest, and added charges of reckless endangerment against all the officers involved. In December 2015, a judge declared a mistrial in the case of Baltimore Police Officer William G. Porter after jurors failed to reach an agreement on any of the charges against him in the death of Freddie Gray.

State Fiscal Effect: Based on information provided by several State agencies with law enforcement units, all agency vehicles meet the bill's requirements. However, to the extent that a limited number of vehicles require retrofitting to meet the requirements of the bill, the potential costs can likely be handled with existing resources.

Local Fiscal Effect: Based on a limited survey of local jurisdictions and information from the Maryland Association of Counties, most local law enforcement vehicles meet the bill's requirements. However, some may incur additional costs to retrofit vehicles that do not meet the bill's requirements. For example, Montgomery County reports that the bill requires retrofitting two police prisoner transport vehicles with restraints. Review and planning for the retrofitting process is under way; however, the bill appears to require replacement of a complete insert at the estimated cost of \$15,000 per vehicle for a total of \$30,000 for both vehicles. Many other jurisdictions may be similarly affected.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Dorchester and Montgomery counties, Maryland Association of Counties, Baltimore City Community College, University System of Maryland, Department of General Services, Department of Natural Resources, Department of Public

Safety and Correctional Services, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2016
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Analysis by: Shirleen M. E. Pilgrim

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