

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 1285 (Delegate Stein, *et al.*)
Environment and Transportation

Motor Vehicles - Passenger Seat Belt Requirement - Primary Offense

This bill makes the failure to wear a seat belt by a person age 16 or older, in any part of a motor vehicle, an offense subject to primary enforcement. Accordingly, law enforcement officers may issue a citation for this offense by a rear seat passenger without having to witness or suspect another violation of the Maryland Annotated Code. It also requires all passengers in the front seat of a motor vehicle to be restrained by a seat belt, including a passenger in a seat that is not adjacent to the door of the motor vehicle.

The bill requires the Police Training and Standards Commission (PTSC) to report to the General Assembly by December 31, 2019, traffic stop data collected by law enforcement agencies in accordance with State law that compares traffic stops made for seat belt offenses after the bill is enacted, to traffic stops conducted in the two years prior to the effective date of the bill, where failure to wear a seatbelt was cited as a violation.

Fiscal Summary

State Effect: General fund revenues increase minimally from the primary enforcement provision of the bill. PTSC can compile the required report and the Motor Vehicle Administration (MVA) can update printed materials and publications with existing resources. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: 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, truck, tractor, multipurpose vehicle, 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. An “outboard front seat” means a front seat position that is adjacent to a door of a motor vehicle.

Seat belts are required for any person operating a motor vehicle and any passengers younger than age 16. Persons age 16 or older riding as a passenger in an outboard front seat of a motor vehicle or in the rear of a motor vehicle must also be restrained by a seat belt. Violation of the rear seat passenger seat belt requirement for persons age 16 and older is a secondary offense.

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 person who violates the mandatory use of seat belts provision must pay court costs in addition to a fine of up to \$50. The prepayment penalty assessed by the District Court is \$83, which also includes court costs. A violation of the mandatory use of seat belts provision 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.

State law requires MVA and the Department of State Police to establish prevention and education programs to encourage compliance with the seat belt law. The Governor must also report on Maryland’s experience with the existing seat belt law and enforcement in the annual Maryland Strategic Highway Safety Plan that is submitted to the National Highway Traffic Safety Administration and the Federal Highway Administration under federal law.

Under § 25-113 of the Transportation Article, a law enforcement officer is required to report information about each traffic stop made on a form developed by the Maryland Statistical Analysis Center of the Governor’s Office of Crime Control and Prevention in collaboration with the PTSC. An officer must report the following:

- the date, location, time, and duration of the stop;
- the traffic violation or violations alleged to have been committed that led to the stop;
- whether a search was conducted as a result of the stop, and specified information regarding any search;
- whether a warning, safety equipment repair order, or citation was issued as a result of the stop, and other specified information pertaining to the warning, repair order, or citation;
- whether an arrest was made as a result of either the stop or the search, and additional information regarding any arrest;
- the state in which the stopped vehicle is registered;
- the gender, date of birth, and state of residence of the driver, including the county of residence if available; and
- the race or ethnicity of the driver.

Background: The District Court reports that, in fiscal 2016, 2,559 citations were issued for seat belt violations in the outboard front seat of a motor vehicle. Of those issued, 1,274, were prepaid, 289 went to trial, and 996 remained open. Similarly, 1,340 citations were issued for rear seat passenger seat belt violations. Of those issued, 602 were prepaid, 285 went to trial, and 453 remained open.

In the Maryland Strategic Highway Safety Plan for 2016 to 2020, issued in February 2016 (the latest report available), the Maryland Department of Transportation (MDOT) reports that an average of 166 unrestrained motorists are killed in Maryland traffic crashes annually, and an average of 315 people are seriously injured annually. While the nonuse of personal restraint or protective equipment is not usually a contributing factor to a motor vehicle crash, the severity of personal injuries and the occurrence of fatalities can be greatly affected by the use or nonuse of occupant protection safety equipment. In 2014, MDOT reports that the State seat belt usage rate was recorded at 92.1%, an increase from the 90.7% seat belt usage rate recorded for 2013.

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 34 states, including Maryland, Delaware, and New Jersey, require primary enforcement of seat belt laws for at least front seat occupants. The remaining 15 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.

State Revenues: General fund revenues increase minimally due primarily to the authorization for primary enforcement of rear seat passenger seat belt violations. The requirement that all passengers in the outboard front seat be restrained is an offense already subject to primary enforcement, but the bill may result in additional revenue for citations for additional unrestrained persons in the front seat. A reliable estimate of the magnitude of the revenue increase cannot be made. However, *for illustrative purposes only*, if under primary enforcement, the number of prepaid citations for rear seat belt offenses doubles over the fiscal 2016 level with a prepayment penalty of \$83, then general fund revenues increase by approximately \$37,500 in fiscal 2018 and approximately \$50,000 on an annual basis.

Additional Information

Prior Introductions: HB 373 of 2016, a similar bill, passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further was taken.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Governors Highway Safety Association; Department of Legislative Services

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