

Chapter 232

(Senate Bill 176)

AN ACT concerning

Vehicle Laws – Rear-Facing Child Safety Seats – Requirement

FOR the purpose of requiring a person transporting a child under a certain age in a motor vehicle to secure the child in a rear-facing child safety seat that complies with certain regulations until the child reaches the weight or height limit specified by the manufacturer of the child safety seat; and generally relating to rear-facing child safety seats.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–412.2
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Transportation

22–412.2.

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

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

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

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

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

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

(ii) “Seat belt” includes a combination seat belt–shoulder harness.

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

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

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

(i) Class A (passenger) vehicle;

(ii) Class E (truck) vehicle; or

(iii) Class M (multipurpose) vehicle; and

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

(d) **(1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** A person transporting a child under the age of 8 years in a motor vehicle shall secure the child in a child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions unless the child is 4 feet, 9 inches tall or taller.

(2) A PERSON TRANSPORTING A CHILD UNDER THE AGE OF 2 YEARS IN A MOTOR VEHICLE SHALL SECURE THE CHILD IN A REAR-FACING CHILD SAFETY SEAT THAT COMPLIES WITH APPLICABLE FEDERAL REGULATIONS UNTIL THE CHILD REACHES THE WEIGHT OR HEIGHT LIMIT SPECIFIED BY THE MANUFACTURER OF THE CHILD SAFETY SEAT.

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

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

(2) A seat belt.

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

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

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

(i) A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

(j) The failure to provide a child safety seat or seat belt for more than one child in the same vehicle at the same time, as required by this section, shall be treated as a single violation.

(k) (1) **(I) ~~Any~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANY** person convicted of a violation of this section is subject to a fine of \$50.

(II) A PERSON WHO VIOLATES SUBSECTION (D)(2) OF THIS SECTION BY SECURING A CHILD UNDER THE AGE OF 2 YEARS IN A CHILD SAFETY SEAT THAT IS NOT REAR-FACING IS SUBJECT TO A WRITTEN WARNING FOR A FIRST VIOLATION.

(2) A judge may waive ~~the~~ **A** fine **UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION** if the person charged with **A** violation of this section:

- (i) Did not possess a child safety seat at the time of the violation;
- (ii) Acquires a child safety seat prior to the hearing date; and
- (iii) Provides proof of acquisition to the court.

(l) The Department of Transportation and the Maryland Department of Health shall jointly implement the Child Safety Seat Program and foster compliance with this section through educational and promotional efforts.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved by the Governor, April 21, 2022.