

# HOUSE BILL 196

R6, R5

(PRE-FILED)

4r1370  
CF SB 724

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By: **Delegates Taveras, Guyton, Hill, and Kaufman**

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation and Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Motor Vehicles – School Buses – Seat Belts**

3 FOR the purpose of requiring the public school safety education program to include student  
4 instruction concerning school bus safety and the proper use of seat belts on school  
5 buses; ~~prohibiting certain persons from allowing pupils to stand in a school bus while~~  
6 ~~the school bus is in motion;~~ requiring school buses purchased after a certain date to  
7 be equipped with certain seat belts in a certain manner; ~~requiring school buses in~~  
8 ~~operation on a certain date to have seat belts installed by a certain date;~~ prohibiting  
9 a ~~person from operating a school bus that is equipped with seat belts unless the~~  
10 ~~person and each occupant are restrained by a seat belt~~ civil action for damages based  
11 on a failure to ensure that an occupant of a school bus was wearing a seat belt; and  
12 generally relating to the use of seat belts in school buses.

13 BY repealing and reenacting, with amendments,  
14 Article – Education  
15 Section 7–410  
16 Annotated Code of Maryland  
17 (2022 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article – Transportation  
20 Section 11–153 and 11–173  
21 Annotated Code of Maryland  
22 (2020 Replacement Volume and 2023 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,  
2 Article – Transportation  
3 Section 21–1118, 22–412, and 22–412.3  
4 Annotated Code of Maryland  
5 (2020 Replacement Volume and 2023 Supplement)

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

8 **Article – Education**

9 7–410.

10 (A) Each public school shall have a program of safety education that is organized  
11 and administered under the bylaws, rules, and regulations of the State Board.

12 (B) **THE PROGRAM OF SAFETY EDUCATION REQUIRED UNDER SUBSECTION**  
13 **(A) OF THIS SECTION SHALL INCLUDE STUDENT INSTRUCTION ON SCHOOL BUS**  
14 **SAFETY AND THE PROPER USE OF SEAT BELTS ON SCHOOL BUSES.**

15 **Article – Transportation**

16 11–153.

17 “School bus” means a Type I school vehicle, as defined in this subtitle.

18 11–173.

19 (a) “Type I school vehicle” means a school vehicle that:

20 (1) Is designed and constructed to carry passengers;

21 (2) Is either of the body–on–chassis type construction or integral type  
22 construction; and

23 (3) Has a gross vehicle weight of more than 15,000 pounds and provides a  
24 minimum of 13 inches of seating space per passenger.

25 (b) “Type I school vehicle” does not include any bus operated by a common carrier  
26 under the jurisdiction of a State, regional, or federal regulatory agency or operated by the  
27 agency itself.

28 21–1118.

29 (a) The driver of a school bus:

1 (1) Is responsible for its operation; and

2 (2) May not drive it into any roadway without first stopping and  
3 determining that there is no danger from any other vehicle.

4 (b) The person responsible for any pupils on a school bus is:

5 (1) The teacher on the bus; or

6 (2) If a teacher is not present, the driver.

7 (c) ~~¶~~A person responsible for pupils on a school bus may not permit the number  
8 of standing pupils to exceed one pupil for each part of the aisle that is bounded on both  
9 sides by forward facing seats.

10 (d) A person responsible for pupils on a school bus may not permit any pupil to  
11 stand if the school bus is equipped only with lengthwise or a combination of lengthwise and  
12 forward facing seats.

13 (e) A person responsible for pupils on a school bus may not permit any pupil to  
14 stand in front of the stanchion and guardrail] ~~A PERSON RESPONSIBLE FOR PUPILS ON~~  
15 ~~A SCHOOL BUS MAY NOT ALLOW ANY PUPIL TO STAND WHILE THE SCHOOL BUS IS IN~~  
16 ~~MOTION.~~

17 ~~[(f)] (D)~~ A person responsible for pupils on a school bus may not [permit]  
18 ~~ALLOW~~ any pupil to operate the front door opening mechanism, except in an emergency.

19 ~~[(g)] (E)~~ A person responsible for pupils on a school bus may not require any  
20 pupil to sit on the floor.

21 ~~[(h)] (F)~~ Except for the driver and any fuel station attendant, a person may not  
22 occupy a school bus while it is being supplied with fuel.

23 ~~[(i)] (G)~~ Either the driver or an adult aide assigned to each school vehicle that  
24 is used to transport handicapped children shall be certified as having successfully  
25 completed a first aid–safety course approved by the Department of Education.

26 22–412.

27 (a) Every motor vehicle registered in this State and manufactured or assembled  
28 after June 1, 1964, shall be equipped with two sets of seat belts on the front seat of the  
29 vehicle.

30 (b) Every motor vehicle registered in this State and manufactured or assembled  
31 with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts on the rear  
32 seat of the vehicle.

1 (c) ~~(1)~~ EVERY SCHOOL BUS PURCHASED ON OR AFTER ~~OCTOBER 1, 2024~~  
2 JULY 1, 2027, AND REGISTERED IN THE STATE SHALL BE EQUIPPED WITH 3-POINT  
3 SEAT BELTS THAT ARE ACCESSIBLE TO PASSENGERS FOR EVERY SEAT ON THE  
4 SCHOOL BUS.

5 ~~(2) EVERY SCHOOL BUS IN OPERATION BEFORE OCTOBER 1, 2024,~~  
6 ~~AND REGISTERED IN THE STATE SHALL HAVE SEAT BELTS THAT ARE ACCESSIBLE TO~~  
7 ~~PASSENGERS INSTALLED FOR EVERY SEAT ON THE SCHOOL BUS BY OCTOBER 1,~~  
8 ~~2026.~~

9 (D) A person may not sell or offer for sale any vehicle in violation of this section.

10 [(d)] (E) For the purpose of this section only, “motor vehicle” does not include  
11 any motorcycle other than an autocycle, bus, or truck.

12 [(e)] (F) For the purpose of this section only, “seat belt” means any belt, strap,  
13 harness, or like device.

14 [(f)] (G) A seat belt may not be sold or offered for sale for use in connection with  
15 the operation of a motor vehicle in this State after June 1, 1964, unless it meets applicable  
16 federal motor vehicle safety standards.

17 22–412.3.

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

19 (2) (i) “Motor vehicle” means a vehicle that is:

20 1. Registered or capable of being registered in this State as a  
21 Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or Class P  
22 (passenger bus) vehicle; and

23 2. Required to be equipped with seat belts under federal  
24 motor vehicle safety standards contained in the Code of Federal Regulations.

25 (ii) “Motor vehicle” does not include a Class L (historic) vehicle.

26 (3) “Outboard front seat” means a front seat position that is adjacent to a  
27 door of a motor vehicle.

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

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

1 (b) ~~(1)~~ A person may not operate a motor vehicle unless the person and each  
2 occupant under 16 years old are restrained by a seat belt or a child safety seat as provided  
3 in § 22–412.2 of this subtitle.

4 ~~(2) A PERSON MAY NOT OPERATE A SCHOOL BUS THAT IS EQUIPPED~~  
5 ~~WITH SEAT BELTS UNLESS THE PERSON AND EACH OCCUPANT ARE RESTRAINED BY~~  
6 ~~A SEAT BELT.~~

7 (c) (1) The provisions of this subsection apply to a person who is at least 16  
8 years old.

9 (2) Unless a person is restrained by a seat belt, the person may not be a  
10 passenger in an outboard front seat of a motor vehicle.

11 (3) (i) Unless a person is restrained by a seat belt, the person may not  
12 be a passenger in a rear seat of a motor vehicle.

13 (ii) A police officer may enforce this paragraph only as a secondary  
14 action when the police officer detains a driver of a motor vehicle for a suspected violation  
15 of another provision of the Code.

16 (d) If a physician licensed to practice medicine in this State determines and  
17 certifies in writing that use of a seat belt by a person would prevent appropriate restraint  
18 due to a person's physical disability or other medical reason, the provisions of this section  
19 do not apply to the person.

20 (e) A certification under subsection (d) of this section shall state:

21 (1) The nature of the physical disability; and

22 (2) The reason that restraint by a seat belt is inappropriate.

23 (f) The provisions of this section do not apply to U.S. Postal Service and contract  
24 carriers while delivering mail to local box routes.

25 (g) A violation of this section is not considered a moving violation for purposes of  
26 § 16–402 of this article.

27 (h) (1) Failure of an individual to use a seat belt in violation of this section may  
28 not:

29 (i) Be considered evidence of negligence;

30 (ii) Be considered evidence of contributory negligence;

31 (iii) Limit liability of a party or an insurer; or

1 (iv) Diminish recovery for damages arising out of the ownership,  
2 maintenance, or operation of a motor vehicle.

3 (2) Subject to the provisions of paragraph (3) of this subsection, a party,  
4 witness, or counsel may not make reference to a seat belt during a trial of a civil action that  
5 involves property damage, personal injury, or death if the damage, injury, or death is not  
6 related to the design, manufacture, installation, supplying, or repair of a seat belt.

7 (3) (i) Nothing contained in this subsection may be construed to  
8 prohibit the right of a person to institute a civil action for damages against a dealer,  
9 manufacturer, distributor, factory branch, or other appropriate entity arising out of an  
10 incident that involves a defectively installed or defectively operating seat belt.

11 (ii) In a civil action in which 2 or more parties are named as joint  
12 tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint  
13 tort-feasors or defendants is not involved in the design, manufacture, installation,  
14 supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends  
15 of justice on a motion of any party.

16 **(4) THE FAILURE OF A SCHOOL BUS OPERATOR TO ENSURE THAT AN**  
17 **OCCUPANT OF A SCHOOL BUS WAS WEARING A SEAT BELT MAY NOT BE THE BASIS OF**  
18 **A CIVIL ACTION FOR DAMAGES AGAINST THE SCHOOL BUS OPERATOR OR A SCHOOL,**  
19 **SCHOOL DISTRICT, OR MUNICIPALITY.**

20 (i) The Administration and the Department of State Police shall establish  
21 prevention and education programs to encourage compliance with the provisions of this  
22 section.

23 (j) The Administration shall include information on this State's experience with  
24 the provisions of this section in the annual evaluation report on the State's highway safety  
25 plan that this State submits to the National Highway Traffic Safety Administration and  
26 the Federal Highway Administration under 23 U.S.C. § 402.

27 (k) Any person convicted of a violation of this section is subject to a fine of not  
28 more than \$50.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2024.