

HOUSE BILL 134

R5, F1

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HB 196/24 – ENT & W&M

(PRE-FILED)

By: **Delegate Taveras**

Requested: September 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Environment and Transportation and Ways and Means

A BILL ENTITLED

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; requiring school buses purchased after a certain date and registered in the
6 State to be equipped with certain seat belts in a certain manner; prohibiting a civil
7 action for damages based on the failure of a school bus operator to ensure that an
8 occupant of a school bus was wearing a seat belt; and generally relating to the use of
9 seat belts on school buses.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 7–410
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 11–153 and 11–173
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Transportation
22 Section 21–1118, 22–412, and 22–412.3
23 Annotated Code of Maryland
24 (2020 Replacement Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Education

2 7–410.

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

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

8

Article – Transportation

9 11–153.

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

11 11–173.

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

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

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

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

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

21 21–1118.

22 (a) The driver of a school bus:

23 (1) Is responsible for its operation; and

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

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

27 (1) The teacher on the bus; or

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

2 (c) A person responsible for pupils on a school bus may not [permit] **ALLOW** the
3 number of standing pupils to exceed one pupil for each part of the aisle that is bounded on
4 both sides by forward facing seats.

5 (d) A person responsible for pupils on a school bus may not [permit] **ALLOW** any
6 pupil to stand if the school bus is equipped only with lengthwise or a combination of
7 lengthwise and forward facing seats.

8 (e) A person responsible for pupils on a school bus may not [permit] **ALLOW** any
9 pupil to stand in front of the stanchion and guardrail.

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

12 (g) A person responsible for pupils on a school bus may not require any pupil to
13 sit on the floor.

14 (h) Except for the driver and any fuel station attendant, a person may not occupy
15 a school bus while it is being supplied with fuel.

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

19 22–412.

20 (a) Every motor vehicle registered in [this] **THE** State and manufactured or
21 assembled after June 1, 1964, shall be equipped with two sets of seat belts on the front seat
22 of the vehicle.

23 (b) Every motor vehicle registered in [this] **THE** State and manufactured or
24 assembled with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts
25 on the rear seat of the vehicle.

26 (c) **EVERY SCHOOL BUS PURCHASED ON OR AFTER JULY 1, 2027, AND**
27 **REGISTERED IN THE STATE SHALL BE EQUIPPED WITH, FOR EACH SEAT ON THE**
28 **SCHOOL BUS, 3–POINT SEAT BELTS THAT ARE ACCESSIBLE TO PASSENGERS.**

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

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

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

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

6 22–412.3.

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

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

9 1. Registered or capable of being registered in [this] THE
10 State as a Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose),
11 or Class P (passenger bus) vehicle; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (g) A violation of this section is not considered a moving violation for purposes of
11 § 16-402 of this article.

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

14 (i) Be considered evidence of negligence;

15 (ii) Be considered evidence of contributory negligence;

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

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

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

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

27 (ii) In a civil action in which [2] TWO or more parties are named as
28 joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and [1] ONE of
29 the joint tort-feasors or defendants is not involved in the design, manufacture, installation,
30 supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends
31 of justice on a motion of any party.

32 (4) **THE FAILURE OF A SCHOOL BUS OPERATOR TO ENSURE THAT AN**
33 **OCCUPANT OF A SCHOOL BUS WAS WEARING A SEAT BELT MAY NOT BE THE BASIS OF**

1 **A CIVIL ACTION FOR DAMAGES AGAINST THE SCHOOL BUS OPERATOR OR A SCHOOL,**
2 **SCHOOL DISTRICT, OR MUNICIPALITY.**

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

6 (j) The Administration shall include information on [this] **THE** State's experience
7 with the provisions of this section in the annual evaluation report on the State's highway
8 safety plan that [this] **THE** State submits to the National Highway Traffic Safety
9 Administration and the Federal Highway Administration under 23 U.S.C. § 402.

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2025.