

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 693 (Delegate Conway)
Environmental Matters

Vehicle Laws - Seat Belts and Child Safety Seats

This bill repeals a provision in § 21-412.3(b) of the Transportation Article that prohibits a person from operating a motor vehicle unless each occupant younger than age 16 is restrained as specified. The provision, which requires all occupants younger than age 16 bring transported in a motor vehicle to be restrained by a child safety seat or seat belt, as appropriate, remains established in § 22-412.2(e) of the Transportation Article.

Fiscal Summary

State Effect: None, as the bill does not change enforcement procedures. No effect on revenues.

Local Effect: None, as the bill does not change enforcement procedures.

Small Business Effect: None.

Analysis

Current Law:

Required Restraints for Children:

The mandatory use of child safety seats applies to the transportation of all children younger than age eight, unless the child is 4 feet 9 inches or taller. The requirement applies to passenger, truck, or multipurpose vehicles that are registered or capable of being registered in Maryland or registered in another state or Puerto Rico that are of the same type.

A person is prohibited from transporting a child younger than age 16 in a motor vehicle unless the child is secured in a child safety seat (in accordance with the manufacturer's instructions) or a seat belt. A particular child may be exempted from the child safety seat or seat belt requirement if a physician who is licensed in the state where the vehicle transporting the child is registered provides written certification that use of a child safety seat by that particular child would be impractical due to the child's height, weight, physical unfitness, or other medical reason.

A child safety seat may not be used to restrain more than one individual at a time. However, if the number of children subject to this law exceeds the number of suitable passenger-securing locations for children and all of the securing locations are in use by children, then the person transporting the children is not in violation of the mandate.

A violation of the mandatory use of a child safety seat or seat belt for children 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. The failure to provide a child safety seat or seat belt for more than one child in the same vehicle at the same time has to be treated as a single violation. A violator of these provisions is subject to a fine of \$25. The prepayment penalty assessed by the District Court is \$58, which also includes court costs.

A judge may waive the \$25 fine if the person charged did not possess a child safety seat at the time of the violation, acquires a child safety seat before the hearing date, and provides proof of acquisition to the court. The Maryland Department of Transportation and the Department of Health and Mental Hygiene have to jointly implement the Child Safety Seat Program and encourage compliance through educational and promotional efforts.

Seat Belts and Other Restraint Requirements:

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, a truck, tractor, multipurpose, 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.

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, as specified. A person who is age 16 or older may not be a passenger in the outboard front seat of a motor vehicle unless restrained by a seat belt. A person who violates these provisions is subject to a maximum fine of \$25, which includes court costs.

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 violation is not a moving violation nor may it be considered evidence of negligence or contributory negligence.

Appropriate Restraint Required for All Vehicle Occupants when Driver Has a Provisional License:

Notwithstanding the licensee's driving record, the Motor Vehicle Administration is required to impose a restriction on the provisional driver's license that prohibits that driver from operating a motor vehicle unless the driver and each passenger in the motor vehicle are restrained by a seat belt or child safety seat, as appropriate. The mandate does not apply to an individual who has a written statement from a physician certifying that the use of a child safety seat or seat belt is not practical due to physical disability or other medical reason. The restriction expires when the provisional license holder becomes age 18.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

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