

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 373 (Delegate Stein, *et al.*)

Environment and Transportation

Judicial Proceedings

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 without having to witness or suspect another violation of the Maryland Annotated Code. The bill repeals the limitation of secondary enforcement against persons who are age 16 or older for failure to wear a seat belt in a rear passenger seat of a motor vehicle. 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.

Fiscal Summary

State Effect: General fund revenues increase minimally from the primary enforcement provisions of the bill. Enforcement can be handled with existing resources.

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

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, 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. 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 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.

Background: The District Court reports that, in fiscal 2015, 3,518 citations were issued for seat belt violations in the outboard front seat of a motor vehicle. Of those issued, 1,862 were prepaid, 387 went to trial, and 1,269 remained open. Similarly, 1,928 citations were issued for rear seat passenger seat belt violations. Of those issued, 960 were prepaid, 344 went to trial, and 624 remained open.

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 33 states, including Maryland, Delaware, and New Jersey, require primary enforcement of seat belt laws for at least front seat occupants. The remaining 17 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 2015 level with a prepayment penalty of \$83, then general fund revenues increase by approximately \$60,000 in fiscal 2017 and approximately \$80,000 on an annual basis.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mel/kdm

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