

HOUSE BILL 1164

R6

8lr0454

By: **Delegates Adams and Beidle**

Introduced and read first time: February 8, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Rear-Facing Child Safety Seats – Requirement**

3 FOR the purpose of requiring a person transporting a child under a certain age in a motor
4 vehicle to secure the child in a rear-facing child safety seat subject to a certain
5 exception; and generally relating to rear-facing child safety seats.

6 BY repealing and reenacting, with amendments,
7 Article – Transportation
8 Section 22–412.2
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2017 Supplement)

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

13 **Article – Transportation**

14 22–412.2.

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

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

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

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

22 (ii) “Child safety seat” does not mean a seat belt or combination seat

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 belt–shoulder harness used alone.

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

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

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

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

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

10 (i) Class A (passenger) vehicle;

11 (ii) Class E (truck) vehicle; or

12 (iii) Class M (multipurpose) vehicle; and

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

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

19 **(2) A PERSON TRANSPORTING A CHILD UNDER THE AGE OF 2 YEARS**
20 **IN A MOTOR VEHICLE SHALL SECURE THE CHILD IN A REAR–FACING CHILD SAFETY**
21 **SEAT UNLESS THE CHILD IS AT LEAST 40 POUNDS OR AT LEAST 40 INCHES TALL.**

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

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

26 (2) A seat belt.

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

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

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

5 (i) A violation of this section is not considered a moving violation for purposes of
6 § 16-402 of this article.

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

10 (k) (1) Any person convicted of a violation of this section is subject to a fine of
11 \$50.

12 (2) A judge may waive the fine if the person charged with violation of this
13 section:

14 (i) Did not possess a child safety seat at the time of the violation;

15 (ii) Acquires a child safety seat prior to the hearing date; and

16 (iii) Provides proof of acquisition to the court.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2018.