

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1164 (Delegates Adams and Beidle)  
Environment and Transportation

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

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This bill requires a rear-facing child safety seat for a child younger than age two when transporting the child in a motor vehicle, unless the child weighs at least 40 pounds or is at least 40 inches tall.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in fine revenue for the District Court. The Department of State Police and the District Court can handle the bill's requirements with existing resources.

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

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** There is no statutory requirement to transport a newborn or infant in a rear-facing child safety seat. However, a "child safety seat" means a device, including a child booster seat, that the manufacturer certifies is manufactured in accordance with applicable federal safety standards and intends to be used to restrain, seat, or position a child who is transported in a motor vehicle. The term does not include a seat belt or combination seat belt-shoulder harness used alone. A child safety seat meets the requirements of Maryland Vehicle Law only if it is installed and used in accordance with the directions of the manufacturer.

The Maryland Department of Transportation and the Maryland Department of Health must jointly implement the Child Safety Seat Program and foster compliance through educational and promotional efforts.

### *Child Safety Seat Requirement*

A person transporting a child younger than age eight in a motor vehicle must secure the child in a child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions unless the child is four feet, nine inches tall or taller. A person may not transport a child younger than age 16 unless the child is secured in a child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions or a seat belt. A child safety seat or seat belt may not be used to restrain, seat, or position more than one individual at a time.

A violation of these provisions is not considered (1) a moving violation for which points may be assessed or (2) contributory negligence under the Maryland Vehicle Law and may not be admitted as evidence in the trial of any civil action. A violation of the requirement is a misdemeanor, subject to a maximum fine of \$50. A judge may waive the fine if the person charged with the violation who did not possess a child safety seat at the time of the violation acquires a child safety seat, prior to the hearing date, and provides proof of acquisition to the court.

### *Application of the Requirement*

The requirement applies to any motor vehicle that is registered, or is of a type that is capable of being registered, in the State as either a passenger vehicle, truck, or multipurpose vehicle as well as to a vehicle registered in another state or Puerto Rico that is the same type of vehicle as a vehicle specified above.

### *Exemption from the Requirement*

A written certification from a physician licensed to practice medicine in the state in which the vehicle transporting the child is registered which states that use of a child safety seat by a *particular* child would be impractical due to the child's weight, height, physical unfitness, or other medical reason qualifies as an exemption from the child safety seat requirement.

**Background:** Several governmental, private, and professional organizations recommend the use of rear-facing child safety seats, including the National Highway Traffic Safety Administration, the American Academy of Pediatrics, and the U.S. Centers for Disease Control and Prevention. Specifically, these organizations recommend, at a minimum, that infants be kept in a rear-facing child safety seat at least until they reach age one or

20 pounds. More conservative recommendations in the safety community suggest a rear-facing child safety seat for a child up to age two or 40 pounds.

According to the American Academy of Pediatrics, the reasoning behind the recommendation for rear-facing child safety seats is that, in a vehicle crash, the force created on impact is more evenly distributed over the entire body, minimizing the impact of the crash on the child and preventing more severe injury to the head, neck, and spine.

Based on information compiled by the National Conference of State Legislatures in 2016, at least 17 states specifically require rear-facing child safety seats for transporting children younger than one or two years of age, including Pennsylvania, where provisions requiring a rear-facing child safety seat for children younger than age two went into effect in fall 2016, and New York, where a similar law will take effect in November 2019.

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### **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; National Conference of State Legislatures; National Highway Traffic Safety Administration; U.S. Centers for Disease Control and Prevention; American Academy of Pediatrics; PennLive.com; Forbes.com; Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2018  
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