

SENATE BILL 176

R6

2lr0029

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: October 5, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 8, 2022

CHAPTER _____

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 that complies with
5 certain regulations until the child reaches the weight or height limit specified by the
6 manufacturer of the child safety seat; and generally relating to rear-facing child
7 safety seats.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 22–412.2
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2021 Supplement)

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

15 **Article – Transportation**

16 22–412.2.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 1. Certifies is manufactured in accordance with applicable
4 federal safety standards; and

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

7 (ii) “Child safety seat” does not mean a seat belt or combination seat
8 belt–shoulder harness used alone.

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

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

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

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

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

17 (i) Class A (passenger) vehicle;

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

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

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

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

26 **(2) A PERSON TRANSPORTING A CHILD UNDER THE AGE OF 2 YEARS**
27 **IN A MOTOR VEHICLE SHALL SECURE THE CHILD IN A REAR–FACING CHILD SAFETY**
28 **SEAT THAT COMPLIES WITH APPLICABLE FEDERAL REGULATIONS UNTIL THE CHILD**
29 **REACHES THE WEIGHT OR HEIGHT LIMIT SPECIFIED BY THE MANUFACTURER OF**
30 **THE CHILD SAFETY SEAT.**

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

3 (1) A child safety seat in accordance with the child safety seat and vehicle
4 manufacturers' instructions; or

5 (2) A seat belt.

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

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

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

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

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

20 (k) (1) ~~(I)~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
21 **PARAGRAPH, ANY** person convicted of a violation of this section is subject to a fine of \$50.

22 **(II) A PERSON WHO VIOLATES SUBSECTION (D)(2) OF THIS**
23 **SECTION BY SECURING A CHILD UNDER THE AGE OF 2 YEARS IN A CHILD SAFETY**
24 **SEAT THAT IS NOT REAR-FACING IS SUBJECT TO A WRITTEN WARNING FOR A FIRST**
25 **VIOLATION.**

26 (2) A judge may waive ~~the~~ **A** fine **UNDER PARAGRAPH (1)(I) OF THIS**
27 **SUBSECTION** if the person charged with **A** violation of this section:

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

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.