

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 176

(Chair, Judicial Proceedings Committee)(By Request -  
Departmental - Transportation)

Judicial Proceedings

Environment and Transportation

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

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This departmental bill requires a person transporting a child younger than age two in a motor vehicle to secure the child in a rear-facing child safety seat that complies with applicable federal regulations until the child reaches the weight or height limit specified by the manufacturer of the child safety seat. A person who violates the bill's requirement by securing a child younger than age two in a child safety seat that is not rear-facing is guilty of a misdemeanor and subject to a written warning for a first violation and a fine of \$50 for a second or subsequent violation. In accordance with existing child safety seat provisions, a violation (1) is not considered a moving violation for the purpose of assessing points against a driver's license and (2) is not contributory negligence and may not be admitted as evidence in the trial of any civil action.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues. Enforcement can be handled with existing resources.

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

**Small Business Effect:** The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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## Analysis

**Current Law:** The Maryland Vehicle Law does not specifically require use of a rear-facing child safety seat for infants or toddlers. However, 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. The requirement applies to a 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 of the same type that is registered in another state or Puerto Rico, as specified.

“Child safety seat,” as defined under the vehicle law, means a device, including a child booster seat, that the manufacturer (1) certifies is manufactured in accordance with applicable federal safety standards and (2) 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 the vehicle law only if it is installed and used in accordance with the directions of the manufacturer. A child safety seat may not be used to restrain, seat, or position more than one individual at a time.

### *Penalties and Effect of Violations*

A violation of the child safety seat requirement is a misdemeanor subject to a fine of \$50. A judge may waive the fine if the person charged with the violation (1) did not possess a child safety seat at the time of the violation; (2) acquires a child safety seat prior to the hearing date; and (3) provides proof of acquisition to the court. The District Court has established a prepayment penalty of \$83 for this offense.

A violation is not considered a moving violation for the purpose of assessing points against the driver's license. Further, a violation is not contributory negligence and may not be admitted as evidence in the trial of any civil action.

### *Medical Exemption*

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.

## *Child Safety Seat Program*

MDOT and the Maryland Department of Health (MDH) are jointly responsible for implementing the Child Safety Seat Program and fostering compliance with child safety seat requirements through educational and promotional efforts.

**Background:** The American Academy of Pediatrics (AAP) and the National Highway Traffic Safety Administration recommend that children ride in rear-facing child safety seats for as long as possible until they reach the maximum height or weight limit allowed by the child safety seat's manufacturer, as rear-facing seats offer the best protection in the event of a crash. Previously, until 2018, AAP had recommended that children ride in rear-facing seats until at least age two. According to AAP, most convertible child safety seats (which can be used forward- or rear-facing) have limits that will permit children to ride rear-facing for two years or more.

According to the National Conference of State Legislatures, as of December 2019, 15 states (California, Connecticut, Illinois, Louisiana, Maine, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Oklahoma, Oregon, Virginia, and Washington) and the District of Columbia require children to ride rear-facing until at least age two.

**State Revenues:** General fund revenues may increase minimally from citations issued for second and subsequent violations under the bill. A violation of the bill is subject to a written warning for a first violation and a fine of \$50 for a second or subsequent violation.

For context, in fiscal 2021, 1,738 citations were issued for failure to secure a child younger than age eight in a child safety seat. For 922 of these citations, the motorist opted to pay the \$83 prepayment penalty.

**State Expenditures:** MDOT and MDH may incur costs for educational and promotional materials and campaigns related to the bill's change. However, these costs can be absorbed within existing budgeted resources. Any increase in District Court caseloads can be handled with existing budgeted resources.

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## **Additional Information**

**Prior Introductions:** House Bill 1164 of 2018, a similar bill, received an unfavorable report from the House Environment and Transportation Committee.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of State Police; Maryland Department of Transportation; National Highway Traffic Safety Administration; American Academy of Pediatrics; National Conference of State Legislatures; Department of Legislative Services

**Fiscal Note History:** First Reader - January 12, 2022  
fnu2/aad Third Reader - March 22, 2022  
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**ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

**TITLE OF BILL:** Vehicle Laws - Rear-Facing Child Safety Seats - Requirement

**BILL NUMBER:** SB 176

**PREPARED BY:** MDOT Motor Vehicle Administration  
(Dept./Agency)

**PART A. ECONOMIC IMPACT RATING**

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL  
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL  
BUSINESSES

**PART B. ECONOMIC IMPACT ANALYSIS**