

SENATE BILL 183

F1, R6, R7

6lr1217

By: **Senators Brochin, Muse, Pugh, and Raskin**

Introduced and read first time: January 18, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **School Vehicles – Seat Belts – Requirements**

3 FOR the purpose of prohibiting certain persons from allowing pupils to stand in a school
4 vehicle while the school vehicle is in motion; requiring certain school vehicles in the
5 State to be equipped with certain seat belts; prohibiting a person from operating a
6 certain school vehicle unless the person and each occupant under a certain age are
7 restrained by a seat belt; providing for the application of certain requirements
8 relating to seat belts on school vehicles; altering certain definitions; making certain
9 stylistic and conforming changes; providing for a delayed effective date; and
10 generally relating to the use of seat belts in school vehicles.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 11–153, 11–154, 11–173, and 11–174
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 16–113(d–1), 21–1118, 22–412, 22–412.1, and 22–412.3
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2015 Supplement)

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

23 **Article – Transportation**

24 11–153.

25 “School bus” means a Type I school vehicle, as defined in this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-154.

2 (a) "School vehicle" means, except as provided in subsection (b) of this section,
3 any motor vehicle that:

4 (1) Is used regularly for the exclusive transportation of children, students,
5 or teachers for educational purposes or in connection with a school activity; and

6 (2) Is either:

7 (i) A Type I school vehicle, as defined in this subtitle; or

8 (ii) A Type II school vehicle, as defined in this subtitle.

9 (b) "School vehicle" does not include:

10 (1) A privately owned vehicle while it is carrying members of its owner's
11 household and not operated for compensation; or

12 (2) A vehicle that is registered as a Class M (multipurpose) vehicle under
13 § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article and
14 used to transport children between one or more schools or licensed child care centers or to
15 and from designated areas that are approved by the Administration if:

16 (i) The vehicle is designed for carrying 15 persons or less, including
17 the driver;

18 (ii) The children are permitted to embark or exit the vehicle only at
19 a school or child care center or a designated area approved by the Administration;

20 (iii) The owner has obtained vehicle liability insurance or other
21 security as required by Title 17 of this article; and

22 (iv) The vehicle is equipped with proper seat belts or safety seats so
23 as to permit each child to be secured in a seat belt or a safety seat as required by §§
24 22-412.2 and 22-412.3 of this article.

25 11-173.

26 (a) "Type I school vehicle" means a school vehicle that:

27 (1) Is designed and constructed to carry passengers;

28 (2) Is either of the body-on-chassis type construction or integral type
29 construction; and

1 (3) Has a gross vehicle weight of more than 15,000 pounds and provides a
2 minimum of 13 inches of seating space per passenger.

3 (b) “Type I school vehicle” does not include any bus operated by a common carrier
4 under the jurisdiction of a State, regional, or federal regulatory agency or operated by the
5 agency itself.

6 11–174.

7 “Type II school vehicle” means a school vehicle that:

8 (1) Is designed and constructed to carry passengers;

9 (2) Is either of the body–on–chassis type construction or integral type
10 construction; and

11 (3) Has a gross vehicle weight of 15,000 pounds or less and provides a
12 minimum of 13 inches of seating space per passenger.

13 16–113.

14 (d–1) (1) Notwithstanding the licensee’s driving record, and subject to paragraph
15 (2) of this subsection, the Administration shall impose a restriction on each provisional
16 driver’s license prohibiting the licensee from operating a motor vehicle if the driver and
17 each passenger in the motor vehicle are not restrained by a seat belt or, in accordance with
18 § 22–412.2 of this article, by a child safety seat.

19 (2) It is not a violation of the restriction under paragraph (1) of this
20 subsection if an individual covered by a medical exception under § 22–412.2(f) or [§
21 22–412.3(d) and (e)] **§ 22–412.3(E) AND (F)** of this article is not restrained.

22 (3) The restrictions under paragraph (1) of this subsection expire on the
23 date that the holder of a provisional license turns 18 years of age.

24 21–1118.

25 (a) The driver of a school bus:

26 (1) Is responsible for its operation; and

27 (2) May not drive it into any roadway without first stopping and
28 determining that there is no danger from any other vehicle.

29 (b) The person responsible for any pupils on a school bus is:

30 (1) The teacher on the bus; or

1 (2) If a teacher is not present, the driver.

2 (c) [A person responsible for pupils on a school bus may not permit the number
3 of standing pupils to exceed one pupil for each part of the aisle that is bounded on both
4 sides by forward facing seats.

5 (d) A person responsible for pupils on a school bus may not permit any pupil to
6 stand if the school bus is equipped only with lengthwise or a combination of lengthwise and
7 forward facing seats.

8 (e) A person responsible for pupils on a school bus may not permit any pupil to
9 stand in front of the stanchion and guardrail] **A PERSON RESPONSIBLE FOR PUPILS ON
10 A SCHOOL VEHICLE MAY NOT ALLOW ANY PUPIL TO STAND WHILE THE SCHOOL
11 VEHICLE IS IN MOTION.**

12 [(f)] **(D)** A person responsible for pupils on a school bus may not [permit]
13 **ALLOW** any pupil to operate the front door opening mechanism, except in an emergency.

14 [(g)] **(E)** A person responsible for pupils on a school bus may not require any
15 pupil to sit on the floor.

16 [(h)] **(F)** Except for the driver and any fuel station attendant, a person may not
17 occupy a school bus while it is being supplied with fuel.

18 [(i)] **(G)** Either the driver or an adult aide assigned to each school vehicle that
19 is used to transport handicapped children shall be certified as having successfully
20 completed a first aid–safety course approved by the Department of Education.

21 22–412.

22 **(A) IN THIS SECTION, “SEAT BELT” MEANS ANY BELT, STRAP, HARNESS, OR
23 LIKE DEVICE.**

24 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
25 THIS SECTION DOES NOT APPLY TO A MOTORCYCLE, TRUCK, TAXICAB, OR BUS.**

26 **(2) THIS SECTION APPLIES TO A BUS THAT IS A SCHOOL VEHICLE.**

27 [(a)] **(C)** [Every] **SUBJECT TO SUBSECTION (E) OF THIS SECTION, EVERY**
28 motor vehicle registered in this State and manufactured or assembled after June 1, 1964,
29 shall be equipped with two sets of seat belts on the front seat of the vehicle.

30 [(b)] **(D)** Every motor vehicle registered in this State and manufactured or
31 assembled with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts
32 on the rear seat of the vehicle.

1 **[(4)] (3)** (i) “Seat belt” means a restraining device described under §
2 22–412 of this subtitle.

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

4 (b) **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
5 **THIS SECTION APPLIES TO A MOTOR VEHICLE THAT IS:**

6 **(I) 1. REGISTERED OR CAPABLE OF BEING REGISTERED IN**
7 **THIS STATE AS A CLASS A (PASSENGER), CLASS E (TRUCK), CLASS F (TRACTOR),**
8 **CLASS M (MULTIPURPOSE), OR CLASS P (PASSENGER BUS) VEHICLE; AND**

9 **2. REQUIRED TO BE EQUIPPED WITH SEAT BELTS UNDER**
10 **FEDERAL MOTOR VEHICLE SAFETY STANDARDS CONTAINED IN THE CODE OF**
11 **FEDERAL REGULATIONS; OR**

12 **(II) REGISTERED AS A CLASS H (SCHOOL) VEHICLE.**

13 **(2) THIS SECTION DOES NOT APPLY TO A CLASS L (HISTORIC)**
14 **VEHICLE.**

15 **(C) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** A person
16 may not operate a motor vehicle unless the person and each occupant under 16 years old
17 are restrained by a seat belt or a child safety seat as provided in § 22–412.2 of this subtitle.

18 **(2) A PERSON MAY NOT OPERATE A CLASS H (SCHOOL) VEHICLE**
19 **UNLESS THE PERSON AND EACH OCCUPANT UNDER 16 YEARS OLD ARE RESTRAINED**
20 **BY A SEAT BELT.**

21 **[(c)] (D)** (1) The provisions of this subsection apply to a person who is at least
22 16 years old.

23 (2) Unless a person is restrained by a seat belt, the person may not be a
24 passenger in an outboard front seat of a motor vehicle.

25 (3) (i) Unless a person is restrained by a seat belt, the person may not
26 be a passenger in a rear seat of a motor vehicle.

27 (ii) A police officer may enforce this paragraph only as a secondary
28 action when the police officer detains a driver of a motor vehicle for a suspected violation
29 of another provision of the Code.

30 **[(d)] (E)** If a physician licensed to practice medicine in this State determines and
31 certifies in writing that use of a seat belt by a person would prevent appropriate restraint

1 due to a person's physical disability or other medical reason, the provisions of this section
2 do not apply to the person.

3 **[(e)] (F)** A certification under subsection **[(d)](E)** of this section shall state:

4 (1) The nature of the physical disability; and

5 (2) The reason that restraint by a seat belt is inappropriate.

6 **[(f)] (G)** The provisions of this section do not apply to U.S. Postal Service and
7 contract carriers while delivering mail to local box routes.

8 **[(g)] (H)** A violation of this section is not considered a moving violation for
9 purposes of § 16-402 of this article.

10 **[(h)] (I)** (1) Failure of an individual to use a seat belt in violation of this
11 section may not:

12 (i) Be considered evidence of negligence;

13 (ii) Be considered evidence of contributory negligence;

14 (iii) Limit liability of a party or an insurer; or

15 (iv) Diminish recovery for damages arising out of the ownership,
16 maintenance, or operation of a motor vehicle.

17 (2) Subject to the provisions of paragraph (3) of this subsection, a party,
18 witness, or counsel may not make reference to a seat belt during a trial of a civil action that
19 involves property damage, personal injury, or death if the damage, injury, or death is not
20 related to the design, manufacture, installation, supplying, or repair of a seat belt.

21 (3) (i) Nothing contained in this subsection may be construed to
22 prohibit the right of a person to institute a civil action for damages against a dealer,
23 manufacturer, distributor, factory branch, or other appropriate entity arising out of an
24 incident that involves a defectively installed or defectively operating seat belt.

25 (ii) In a civil action in which 2 or more parties are named as joint
26 tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint
27 tort-feasors or defendants is not involved in the design, manufacture, installation,
28 supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends
29 of justice on a motion of any party.

30 **[(i)] (J)** The Administration and the Department of State Police shall establish
31 prevention and education programs to encourage compliance with the provisions of this
32 section.

1 **[(j)] (K)** The Administration shall include information on this State's experience
2 with the provisions of this section in the annual evaluation report on the State's highway
3 safety plan that this State submits to the National Highway Traffic Safety Administration
4 and the Federal Highway Administration under 23 U.S.C. § 402.

5 **[(k)] (L)** Any person convicted of a violation of this section is subject to a fine of
6 not more than \$50.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2022.