

SENATE BILL 185

R6

2lr1355
CF 2lr1404

By: **Senators Forehand, Conway, King, Madaleno, Manno, Montgomery,
Ramirez, Raskin, and Stone**

Introduced and read first time: January 20, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Child Seating and Safety Seats – Requirements and**
3 **Prohibition**

4 FOR the purpose of requiring a person transporting a child under a certain age in a
5 motor vehicle to secure the child in a rear-facing child safety seat in accordance
6 with the child safety seat and vehicle manufacturers' instructions; repealing an
7 exception to a requirement that a child under a certain age must be secured in a
8 child safety seat that applies to a child weighing more than a certain amount;
9 prohibiting a person from transporting a child under a certain age in a motor
10 vehicle if the child is seated in the outboard front seat of the motor vehicle;
11 making stylistic and conforming changes; and generally relating to motor
12 vehicles and child seating and safety seats.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 22-412.2
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 22-412.3(a)(3)
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2011 Supplement)

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

25 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 22-412.2.

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

3 (2) (i) "Child safety seat" means a device, including a child booster
4 seat, that the manufacturer:

5 1. Certifies is manufactured in accordance with
6 applicable federal safety standards; and

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

9 (ii) "Child safety seat" does not mean a seat belt or combination
10 seat belt-shoulder harness used alone.

11 (3) (i) "Seat belt" means a restraining device described under §
12 22-412 of this subtitle.

13 (ii) "Seat belt" includes a combination seat belt-shoulder
14 harness.

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

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

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

20 (i) Class A (passenger) vehicle;

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

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

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

25 **(d) (1) A PERSON TRANSPORTING A CHILD UNDER THE AGE OF 2**
26 **YEARS IN A MOTOR VEHICLE SHALL SECURE THE CHILD IN A REAR-FACING**
27 **CHILD SAFETY SEAT IN ACCORDANCE WITH THE CHILD SAFETY SEAT AND**
28 **VEHICLE MANUFACTURERS' INSTRUCTIONS.**

29 **(2) A person transporting a child [under the age of] BETWEEN THE**
30 **AGES OF 2 AND 8 years in a motor vehicle shall secure the child in a child safety seat**

1 in accordance with the child safety seat and vehicle manufacturers' instructions unless
2 the child[:

3 (1) Is] IS 4 feet, 9 inches tall or taller[; or

4 (2) Weighs more than 65 pounds].

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

7 [(1)](I) A child safety seat in accordance with the child safety seat
8 and vehicle manufacturers' instructions; or

9 [(2)](II) A seat belt.

10 (2) A PERSON MAY NOT TRANSPORT A CHILD UNDER THE AGE OF
11 13 YEARS IN A MOTOR VEHICLE IF THE CHILD IS SEATED IN THE OUTBOARD
12 FRONT SEAT, AS DEFINED IN § 22-412.3(A) OF THIS SUBTITLE, OF THE MOTOR
13 VEHICLE.

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

19 (g) A child safety seat or seat belt may not be used to restrain, seat, or
20 position more than [1] ONE individual at a time.

21 (h) Notwithstanding subsection (d) of this section, if the number of children
22 subject to the provisions of this section exceeds the number of passenger securing
23 locations suitable for securing a child either in a seat belt or in a child safety seat in
24 accordance with this section, and all of those securing locations are in use by children,
25 there is not a violation of this section.

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

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

30 (k) The failure to provide a child safety seat or seat belt for more than [1]
31 ONE child in the same vehicle at the same time, as required by this section, shall be
32 treated as a single violation.

1 (1) (1) Any person convicted of a violation of this section is subject to a
2 fine of \$25.

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

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

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

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

9 (m) The Department of Transportation and the Department of Health and
10 Mental Hygiene shall jointly implement the Child Safety Seat Program and foster
11 compliance with this section through educational and promotional efforts.

12 22-412.3.

13 (a) (3) “Outboard front seat” means a front seat position that is adjacent
14 to a door of a motor vehicle.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2012.