

**A027 - 0809**

10 AN ACT CONCERNING

20 **Seat Belt Requirements**

30 **FOR** the purpose of reforming seat belt requirements in Maryland to allow adults to own and drive vehicles  
40 without the use of seatbelts

50 **BY** repealing, and reenacting, with amendments,  
60 Transportation  
70 Titles 22, 21, and 16  
80 Annotated Code of Maryland

90 **SECTION 1. Enacting Clause**

100 BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE:

110 **§ 22-412. Seat belts required.**

120 (a) *Front seat.*- Every motor vehicle registered in this State and manufactured or assembled after June 1, 1964,  
130 shall be equipped with two sets of seat belts on the front seat of the vehicle.

140 (b) *Rear seat.*- Every motor vehicle registered in this State and manufactured or assembled with a rear seat  
150 after June 1, 1969, shall be equipped with two sets of seat belts on the rear seat of the vehicle.

160 (c) *Sale or offer for sale of vehicles in violation of section.*- A person may not sell or offer for sale any vehicle  
170 in violation of this section **WITHOUT FIRST INFORMING THE CUSTOMER OF THE**  
180 **REQUIREMENTS FOR MOTOR VEHICLE REGISTRATION IN THIS STATE AS INDICATED**  
190 **IN SUBSECTIONS (A) AND (B) OF THIS SECTION.**

200 (d) *“Motor vehicle” defined.*- For the purpose of this section only, “motor vehicle” does not include any  
210 motorcycle, bus, truck, or taxicab.

220 (e) *“Seat belt” defined.*- For the purpose of this section only, “seat belt” means any belt, strap, harness, or like  
230 device.

240 (f) *Sale of certain seat belts prohibited.*- A seat belt may not be sold or offered for sale for use in connection  
250 with the operation of a motor vehicle in this State after June 1, 1964, unless it meets applicable federal  
250 motor vehicle safety standards.

260 **§ 22-412.2(e)**

270 (e) *Child weighing more than 40 pounds and less than age of ~~4~~ 13.*- A person may not transport a child under  
280 the 490 age of ~~4~~ 13 years unless the child is secured in:

290 (1) A child safety seat in accordance with the child safety seat and vehicle manufacturers’ instructions; or

300 (2) A seat belt.

310 **§ 22-412.3. Mandatory seat belt use.**

320 (a) *Definitions.*-

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

340 (2) (i) "Motor vehicle" means a vehicle that is:

350 1. Registered or capable of being registered in this State as a Class A (passenger), Class E (truck), Class F  
360 (tractor), Class M (multipurpose), or Class P (passenger bus) vehicle; and

370 2. Required to be equipped with seat belts under federal motor vehicle safety standards contained in the Code  
380 of Federal Regulations.

390 (ii) "Motor vehicle" does not include a Class L (historic) vehicle.

400 ~~(3) "Outboard front seat" means a front seat position that is adjacent to a door of a motor vehicle.~~

410 ~~(4)~~ (3) (i) "Seat belt" means a restraining device described under § 22-412 of this subtitle.

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

430 (b) Seat belts required.- A person may not operate a motor vehicle unless ~~the person and~~ each occupant under  
440 ~~16~~ 13 years old are restrained by a seat belt or a child safety seat as provided in § 22-412.2 of this subtitle.

450 ~~(c) Passengers.~~

460 ~~(1) The provisions of this subsection apply to a person who is at least 16 years old.~~

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

490 ~~(3) A person who violates the provisions of this subsection shall be subject to the penalties under Title 27 of~~  
500 ~~of this article.~~

510 ~~(d)~~ (C) *Physically disabled persons.*- If a physician licensed to practice medicine in this State determines and  
520 certifies in writing that use of a seat belt by a person would prevent appropriate restraint due to a  
530 person's physical disability or other medical reason, the provisions of this section do not apply to the  
540 person.

550 ~~(e)~~ (D) *Certification of disability.*- A certification under subsection ~~(d)~~ (C) of this section shall state:

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

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

580 ~~(f)~~ (E) U.S. Postal Service and contract carriers.- The provisions of this section do not apply to U.S. Postal  
590 Service and contract carriers while delivering mail to local box routes.

600 ~~(g)~~ (F) *Violations not moving violation.*- A violation of this section is not considered a moving violation for  
610 purposes of § 16-402 of this article.

620 ~~(h)~~ (G) *Failure to use seat belt.*-

630 (1) Failure of an individual to use a seat belt in violation of this section may not:

640 (i) Be considered evidence of negligence;

650 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

800 (H) *Prevention and education programs.* - The Administration and the Department of State Police shall  
810 establish prevention and education programs to encourage compliance with the provisions of this  
820 section.

830 (I) *Annual evaluation report on State's highway safety plan.* - The Administration shall include  
840 information on this State's experience with the provisions of this section in the annual evaluation  
850 report on the State's highway safety plan that this State submits to the National Highway Traffic Safety  
860 Administration and the Federal Highway Administration under 23 U.S.C. § 402.

#### 870 § 22-101(c)

880 (c) *Sale of item or device not approved by Administrator.* - A person may not display for sale, sell, offer for  
890 sale, or deliver for use in, on, or as a part of any motor vehicle, trailer, semitrailer, or pole trailer, any  
900 headlamp, auxiliary or fog lamp, rear lamp, warning lamp, reflector, glazing material, hydraulic brake fluid,  
910 brake lining, antifreeze, seat belt, shoulder harness, or seat belt and shoulder harness assembly, or any other  
920 item of equipment or device, including eye-protective devices and protective helmets, required to be  
930 approved by the Administrator, unless the device is of a type that has been submitted to the Administrator  
940 or his authorized agent and has been approved by him.

#### 950 § 21-1121(c)

960 (c) *Prohibited acts.* - An individual may not drive a Class E (truck) vehicle on a highway in the State while a  
970 passenger under the age of ~~16~~ 13 years is riding in an unenclosed bed of the vehicle.

#### 980 § 16-113(d-1)

990 ~~(d-1) Restraint requirements on provisional driver's licenses.~~

1000 ~~(1) Notwithstanding the licensee's driving record, and subject to paragraph (2) of this subsection, the~~  
1010 ~~Administration shall impose a restriction on each provisional driver's license prohibiting the licensee from~~  
1020 ~~from operating a motor vehicle if the driver and each passenger in the motor vehicle are not restrained by a~~  
1030 ~~restrained by a seat belt or, in accordance with § 22-412.2 of this article, by a child safety seat.~~

1040 ~~(2) It is not a violation of the restriction under paragraph (1) of this subsection if an individual covered by a~~  
1050 ~~by a medical exception under § 22-412.2 (f) or § 22-412.3 (d) and (e) of this article is not restrained.~~

1060 ~~(3) The restrictions under paragraph (1) of this subsection expire on the date that the holder of a provisional~~  
1070 ~~provisional license turns 18 years of age.~~

1080 **SECTION 2. Effective Date**

1090 BE IT FURTHER ENACTED that this act shall take effect immediately.

1100 **SECTION 3. Severability Clause**

1110 **BE IT FURTHER ENACTED** that if any provision of this Act or the application thereof to any person or  
1120 circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not  
1130 affect other provisions or any other application of this Act which can be given effect without the invalid  
1140 provision or application, and for provisions of this Act are declared severable.

1150 **SECTION 4. Repeal of Inconsistent Laws**

1160 BE IT FURTHER ENACTED that all laws or parts of the Annotated Code of Maryland inconsistent with this  
1170 Act, are repealed to the extent of the inconsistency.

1180 **MANDATES:** Martin O'Malley, Governor, State of Maryland  
1190 Thomas V. Mike Miller, Jr., President, Maryland State Senate  
1200 Michael E. Busch, Speaker, Maryland House of Delegates  
1210 Edward J. Kasemeyer, Majority Leader, Maryland State Senate  
1220 David R. Brinkly, Minority Leader, Maryland State Senate  
1230 Kumar P. Barve, Majority Leader, Maryland House of Delegates  
1240 Anthony J. O'Donnell, Minority Leader, Maryland House of Delegates  
1250 Brian E. Frosh, Chair of the Judicial Proceedings Committee of the Maryland Senate  
1260 James E. DeGrange, Sr., Chair of the Public Safety, Transportation & Environment  
1270 Subcommittee of the Budget and Taxation Committee of the Maryland Senate  
1280 Joseph F. Vallario, Jr., Chair of the Judiciary Committee of the Maryland House of Delegates  
1290 Carolyn J. B. Howard, Chair of the Transportation Subcommittee of the Ways & Means  
1300 Committee of the Maryland House of Delegates  
1310 James E. Malone, Jr., Chair of the Motor Vehicles & Transportation Subcommittee of the  
1320 Environmental Matters Committee of the Maryland House of Delegates  
1330 Tawanna P. Gaines, Chair of the Transportation & the Environment Subcommittee of the  
1340 Appropriations Committee of the Maryland House of Delegates  
1350 Jennie M. Forehand, Senate Chair of the Joint Committee on Federal Relations of Maryland  
1360 Henry B. Heller, House Chair of the Joint Committee on Federal Relations of Maryland

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