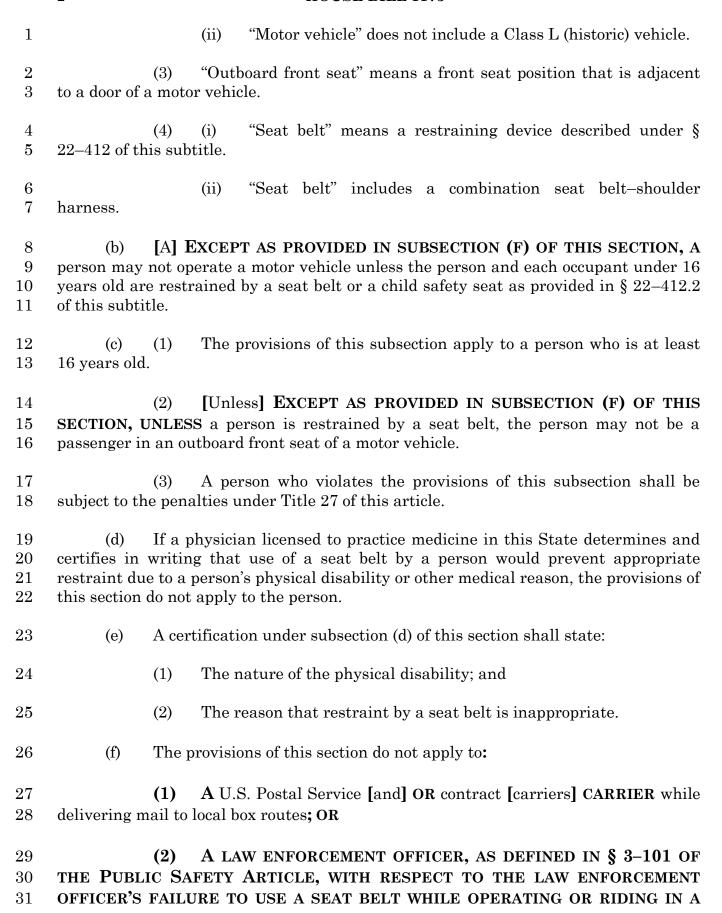
HOUSE BILL 1173

R6 1lr2755

By: Delegate Conaway

Introduced and read first time: February 16, 2011 Assigned to: Rules and Executive Nominations

	A BILL ENTITLED
1	AN ACT concerning
2	Motor Vehicles - Seatbelts - Exception for Law Enforcement Officers
3 4 5 6	FOR the purpose of providing that certain provisions of law requiring seat belt use do not apply to a law enforcement officer, under certain circumstances; making a certain stylistic change; and generally relating to law enforcement officers and the use of seat belts.
7 8 9 10 11 12 13	BY repealing and reenacting, with amendments, Article – Transportation Section 22–412.3 Annotated Code of Maryland (2009 Replacement Volume and 2010 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
14	Article – Transportation
15	22–412.3.
16	(a) (1) In this section the following words have the meanings indicated.
17	(2) (i) "Motor vehicle" means a vehicle that is:
18 19 20	1. Registered or capable of being registered in this State as a Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or Class P (passenger bus) vehicle; and
21 22	2. Required to be equipped with seat belts under federal motor vehicle safety standards contained in the Code of Federal Regulations.



1 MOTOR VEHICLE IF THE LAW ENFORCEMENT OFFICER IS ACTING WITHIN THE 2 SCOPE OF THE LAW ENFORCEMENT OFFICER'S OFFICIAL DUTIES.

- 3 (g) A violation of this section is not considered a moving violation for 4 purposes of § 16–402 of this article.
- 5 (h) (1) Failure of an individual to use a seat belt in violation of this 6 section may not:
- 7 (i) Be considered evidence of negligence;
- 8 (ii) Be considered evidence of contributory negligence;
- 9 (iii) Limit liability of a party or an insurer; or

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- 10 (iv) Diminish recovery for damages arising out of the ownership, 11 maintenance, or operation of a motor vehicle.
 - (2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a seat belt during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, installation, supplying, or repair of a seat belt.
- 17 (3) (i) Nothing contained in this subsection may be construed to 18 prohibit the right of a person to institute a civil action for damages against a dealer, 19 manufacturer, distributor, factory branch, or other appropriate entity arising out of an 20 incident that involves a defectively installed or defectively operating seat belt.
 - (ii) In a civil action in which 2 or more parties are named as joint tort—feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint tort—feasors or defendants is not involved in the design, manufacture, installation, supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends of justice on a motion of any party.
 - (i) The Administration and the Department of State Police shall establish prevention and education programs to encourage compliance with the provisions of this section.
- 29 (j) The Administration shall include information on this State's experience 30 with the provisions of this section in the annual evaluation report on the State's 31 highway safety plan that this State submits to the National Highway Traffic Safety 32 Administration and the Federal Highway Administration under 23 U.S.C. § 402.
- 33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 34 October 1, 2011.