

# Chapter 47

(House Bill 313)

AN ACT concerning

## **Motor Vehicles – Child Seating and Safety Seats – Requirements and Prohibition**

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

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

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

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

### **Article – Transportation**

22-412.2.

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

(2) (i) “Child safety seat” 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.

(ii) “Child safety seat” does not mean a seat belt or combination seat belt–shoulder harness used alone.

(3) (i) “Seat belt” means a restraining device described under § 22–412 of this subtitle.

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

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

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

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

(i) Class A (passenger) vehicle;

(ii) Class E (truck) vehicle; or

(iii) Class M (multipurpose) vehicle; and

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

(d) ~~(1) A PERSON TRANSPORTING A CHILD UNDER THE AGE OF 2 YEARS IN A MOTOR VEHICLE SHALL SECURE THE CHILD IN A REAR FACING CHILD SAFETY SEAT IN ACCORDANCE WITH THE CHILD SAFETY SEAT AND VEHICLE MANUFACTURERS’ INSTRUCTIONS.~~

~~(2)~~ A person transporting a child [under the age of] ~~BETWEEN THE AGES OF 2 AND~~ 8 years in a motor vehicle shall secure the child in a child safety seat in accordance with the child safety seat and vehicle manufacturers’ instructions unless the child[:

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

(2) Weighs more than 65 pounds].

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

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

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

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

(f) Notwithstanding subsection (d) of this section, if a physician, who is licensed to practice medicine in the state in which the vehicle transporting the child is registered, certifies in writing 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, there is not a violation of this section.

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

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

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

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

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

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

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

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

- (ii) Acquires a child safety seat prior to the hearing date; and
- (iii) Provides proof of acquisition to the court.

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

~~22-412.3.~~

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

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

**Approved by the Governor, April 10, 2012.**