

SENATE BILL 987

F1, R6

7lr3567
CF HB 940

By: **Senator Nathan–Pulliam**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Education – School Vehicles Used by Private Entities – Seat Belt Requirement**

3 FOR the purpose of requiring that school vehicles used by a private, nongovernmental
4 entity to transport certain pupils be equipped with seat belts; prohibiting a person
5 from operating a certain school vehicle for a private, nongovernmental entity to
6 transport certain pupils 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; and generally relating to seat belts for certain
10 school vehicles used by private entities to transport certain pupils.

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 2016 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 16–113(d–1), 22–412, and 22–412.3
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2016 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

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

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

11–174.

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

(1) Is designed and constructed to carry passengers;

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

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

16–113.

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

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

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

22–412.

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

(B) THIS SECTION DOES NOT APPLY TO A MOTORCYCLE OTHER THAN AN AUTOCYCLE, A BUS OTHER THAN A SCHOOL VEHICLE, A TRUCK, OR A TAXICAB.

[(a)] (C) (1) THIS SUBSECTION DOES NOT APPLY TO A BUS THAT IS A SCHOOL VEHICLE.

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

[(b)] (3) Every motor vehicle registered in this State and manufactured or assembled with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts on the rear seat of the vehicle.

(D) EVERY SCHOOL VEHICLE THAT IS USED BY A PRIVATE, NONGOVERNMENTAL ENTITY UNDER A CONTRACT WITH A LOCAL SCHOOL SYSTEM TO TRANSPORT PUPILS TO SCHOOL SHALL BE EQUIPPED WITH SEAT BELTS FOR EACH SEAT.

[(c)](E) A person may not sell or offer for sale any vehicle in violation of this section.

[(d) For the purpose of this section only, “motor vehicle” does not include any motorcycle other than an autocycle, bus, truck, or taxicab.

(e) For the purpose of this section only, “seat belt” means any belt, strap, harness, or like device.]

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

22–412.3.

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

(2) [(i) “Motor vehicle” means a vehicle that is:

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

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

(ii) “Motor vehicle” does not include a Class L (historic) vehicle.

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

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

(I) 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

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

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

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

(C) (1) (I) THIS PARAGRAPH DOES NOT APPLY TO A CLASS H (SCHOOL) VEHICLE.

[(b)] (II) A person may not operate a motor vehicle unless the person and each occupant under 16 years old are restrained by a seat belt or a child safety seat as provided in § 22–412.2 of this subtitle.

(2) A PERSON MAY NOT OPERATE A CLASS H (SCHOOL) VEHICLE FOR A PRIVATE, NONGOVERNMENTAL ENTITY UNDER A CONTRACT WITH A LOCAL SCHOOL SYSTEM TO TRANSPORT PUPILS UNLESS THE PERSON AND EACH OCCUPANT UNDER 16 YEARS OLD ARE RESTRAINED BY A SEAT BELT.

[(c)] (D) (1) [The provisions of this] THIS subsection [apply]:

(I) APPLIES to a person who is at least 16 years old; AND

(II) DOES NOT APPLY TO A PERSON WHO IS A PASSENGER IN A CLASS H (SCHOOL) VEHICLE.

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

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

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

[(d)] (E) If a physician licensed to practice medicine in this State determines and certifies in writing that use of a seat belt by a person would prevent appropriate restraint due to a person's physical disability or other medical reason, the provisions of this section do not apply to the person.

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

(1) The nature of the physical disability; and

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

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

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

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

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

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

(iv) Diminish recovery for damages arising out of the ownership, 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.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of an 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,

1 supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends
2 of justice on a motion of any party.

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2017.