

HOUSE BILL 341

F1, R6

7lr1284

By: **Delegates Miele, Fraser–Hidalgo, Angel, Barkley, Ciliberti, Ebersole, Folden, Frush, Glenn, Jones, McDonough, Pena–Melnik, Sophocleus, Stein, and Valentino–Smith**

Introduced and read first time: January 25, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Student Transportation Safety Act**

3 FOR the purpose of requiring certain school vehicles in the State manufactured or
4 assembled on or after a certain date to be equipped with seat belts; prohibiting a
5 person, subject to certain conditions, from operating certain school vehicles unless
6 the person and each occupant under a certain age are restrained by a seat belt;
7 authorizing a local school system or the administration of a nonpublic school to
8 establish certain policies regarding the restraint of certain pupils by seat belts on
9 school vehicles; requiring a local school system or the administration of a nonpublic
10 school to provide notice of a certain policy to the operator of certain school vehicles;
11 requiring the operator of a school vehicle to notify the local school system or the
12 administration of the nonpublic school the student attends if the student fails to
13 comply with a certain seat belt requirement and for the applicable school entity to
14 review the matter as it deems appropriate; providing for the application of certain
15 requirements relating to seat belts on school vehicles; altering certain definitions;
16 making certain stylistic and conforming changes; providing for a delayed effective
17 date; and generally relating to the use of seat belts in school vehicles.

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 11–153, 11–154, 11–173, and 11–174
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2016 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Transportation
25 Section 16–113(d–1), 22–412, and 22–412.3
26 Annotated Code of Maryland
27 (2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Transportation

11–153.

“School bus” means a Type I school vehicle, as defined in this subtitle.

11–154.

(a) “School vehicle” means, except as provided in subsection (b) of this section,
any motor vehicle that:

(1) Is used regularly for the exclusive transportation of children, students,
or teachers for educational purposes or in connection with a school activity; and

(2) Is either:

(i) A Type I school vehicle, as defined in this subtitle; or

(ii) A Type II school vehicle, as defined in this subtitle.

(b) “School vehicle” does not include:

(1) A privately owned vehicle while it is carrying members of its owner’s
household and not operated for compensation; or

(2) A vehicle that is registered as a Class M (multipurpose) vehicle under
§ 13–937 of this article or a Class A (passenger) vehicle under § 13–912 of this article and
used to transport children between one or more schools or licensed child care centers or to
and from designated areas that are approved by the Administration if:

(i) The vehicle is designed for carrying 15 persons or less, including
the driver;

(ii) The children are permitted to embark or exit the vehicle only at
a school or child care center or a designated area approved by the Administration;

(iii) The owner has obtained vehicle liability insurance or other
security as required by Title 17 of this article; and

(iv) The vehicle is equipped with proper seat belts or safety seats so
as to permit each child to be secured in a seat belt or a safety seat as required by §§
22–412.2 and 22–412.3 of this article.

1 11-173.

2 (a) "Type I school vehicle" means a school vehicle that:

3 (1) Is designed and constructed to carry passengers;

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

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

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

11 11-174.

12 "Type II school vehicle" means a school vehicle that:

13 (1) Is designed and constructed to carry passengers;

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

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

18 16-113.

19 (d-1) (1) Notwithstanding the licensee's driving record, and subject to paragraph
20 (2) of this subsection, the Administration shall impose a restriction on each provisional
21 driver's license prohibiting the licensee from operating a motor vehicle if the driver and
22 each passenger in the motor vehicle are not restrained by a seat belt or, in accordance with
23 § 22-412.2 of this article, by a child safety seat.

24 (2) It is not a violation of the restriction under paragraph (1) of this
25 subsection if an individual covered by a medical exception under § 22-412.2(f) or
26 [§ 22-412.3(d) and (e)] **§ 22-412.3(E) AND (F)** of this article is not restrained.

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

29 22-412.

30 (A) **IN THIS SECTION, "SEAT BELT" MEANS ANY BELT, STRAP, HARNESS, OR**
31 **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.

[(c)] (D) EVERY SCHOOL VEHICLE REGISTERED IN THE STATE AND MANUFACTURED OR ASSEMBLED ON OR AFTER OCTOBER 1, 2019, SHALL BE EQUIPPED WITH SEAT BELTS FOR EVERY SEAT ON THE SCHOOL VEHICLE.

(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) 1. REGISTERED AS A CLASS H (SCHOOL) VEHICLE; AND

2. REQUIRED TO BE EQUIPPED WITH SEAT BELTS UNDER § 22–412(D) OF THIS SUBTITLE.

(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.

(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) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PERSON MAY NOT OPERATE A CLASS H (SCHOOL) VEHICLE UNLESS THE PERSON AND EACH OCCUPANT ARE RESTRAINED BY A SEAT BELT.

(II) AS TO STUDENTS WITH SPECIAL NEEDS OR CHILDREN THAT ARE TOO YOUNG TO OPERATE A SEAT BELT, A LOCAL SCHOOL SYSTEM OR THE ADMINISTRATION OF A NONPUBLIC SCHOOL:

1 **1. MAY ESTABLISH A POLICY REGARDING THE**
2 **RESTRAINT OF THE LOCAL SCHOOL SYSTEM'S OR NONPUBLIC SCHOOL'S PUPILS BY**
3 **SEAT BELTS ON SCHOOL VEHICLES; AND**

4 **2. SHALL PROVIDE WRITTEN NOTICE OF THE POLICY TO**
5 **THE PERSON THAT OPERATES A SCHOOL VEHICLE TO TRANSPORT THE LOCAL**
6 **SCHOOL SYSTEM'S OR NONPUBLIC SCHOOL'S PUPILS.**

7 **(III) AS TO A STUDENT WHO FAILS TO COMPLY WITH THE**
8 **REQUIREMENT TO BE RESTRAINED BY A SEAT BELT DURING TRANSPORT ON A**
9 **SCHOOL VEHICLE:**

10 **1. THE OPERATOR OF THE SCHOOL VEHICLE SHALL**
11 **NOTIFY THE LOCAL SCHOOL SYSTEM OR THE ADMINISTRATION OF THE NONPUBLIC**
12 **SCHOOL THAT THE STUDENT ATTENDS OF THE STUDENT'S FAILURE TO COMPLY**
13 **WITH THE SEAT BELT REQUIREMENT; AND**

14 **2. THE LOCAL SCHOOL SYSTEM OR THE**
15 **ADMINISTRATION OF THE NONPUBLIC SCHOOL SHALL REVIEW THE MATTER AS IT**
16 **DEEMS APPROPRIATE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) Be considered evidence of negligence;

10 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
4 apply only prospectively and may not be applied or interpreted to have any effect on or
5 application to any school vehicle registered in the State and manufactured or assembled
6 before the effective date of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2019.