

Department of Legislative Services  
 Maryland General Assembly  
 2008 Session

FISCAL AND POLICY NOTE

House Bill 1531 (Delegate Conaway)  
 Environmental Matters

Vehicle Laws - Mandatory Seat Belt Use - Enforcement

This bill limits a police officer to enforcing mandatory seat belt laws as only a secondary action when the officer detains the driver for another suspected violation.

Fiscal Summary

**State Effect:** General fund revenues decrease by about \$1.5 million in FY 2009 due to limiting enforcement of seat belt laws to a secondary action. Out-years reflect annualization and assume no changes in the number of issued citations or the fine amount. Enforcement could be handled with existing resources. Federal fund attainment for the Maryland Department of Transportation could be reduced by about \$500,000 annually.

(\$ in millions)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
GF Revenue	(\$1.5)	(\$2.0)	(\$2.0)	(\$2.0)	(\$2.0)
FF Revenue	(.5)	(.5)	(.5)	(.5)	(.5)
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	(\$2.0)	(\$2.5)	(\$2.5)	(\$2.5)	(\$2.5)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Enforcement could be handled within existing resources.

**Small Business Effect:** None.

Analysis

**Current Law:** For purposes of this bill, “motor vehicle” means a vehicle that is registered or capable of being registered in this State as a passenger vehicle, a truck,

tractor, multipurpose, or passenger bus vehicle and that is required to have seat belts under federal motor vehicle safety standards. Historic vehicles are not subject to the mandatory seat belt requirement.

A person may not operate a motor vehicle unless the person and each occupant younger than age 16 are restrained by a seat belt or a child safety seat. A person who is age 16 or older may not be a passenger in the outboard front seat of a motor vehicle unless restrained by a seat belt. A person who violates these provisions is subject to a maximum fine of \$25, including court costs.

The mandatory seat belt provisions do not apply to a person if a Maryland licensed physician determines and certifies in writing that the person's disability or another medical reason would prevent appropriate restraint by a seat belt. The certification must state the nature of the physical disability and the reason that restraint by a seat belt would be inappropriate. The mandatory seat belt provisions also do not apply to U.S. Postal Service and contract carriers while delivering mail to local box routes. A violation is not a moving violation nor may it be considered evidence of negligence or contributory negligence.

The Motor Vehicle Administration and the Department of State Police must establish prevention and education program to encourage compliance. MVA must include information on the State's experience with seat belt compliance in the annual evaluation report on the State's highway safety plan that is submitted to the National Highway Traffic Safety Administration and the Federal Highway Administration.

**Background:** Forty-nine states and the District of Columbia mandate the use of seat belts. The District of Columbia and 26 states, including Maryland, Delaware, and New Jersey, require primary enforcement of seat belt laws. The remaining 23 states require secondary enforcement.

According to the State Highway Administration, seat belt use in Maryland was surveyed to be 91.1% in 2005, among the highest in the nation. SHA also found that over 40% of fatally injured vehicle occupants were unbelted at the time of a crash. The number of unrestrained fatalities has decreased in the last 10 years from 286 in 1996 to 181 in 2005. Unrestrained injuries also decreased from 10,923 in 1996 to 4,082 in 2005. SHA found that those least likely to wear seat belts include 16- to 21-year-old males, pickup truck drivers and passengers, back seat passengers, 21- to 34-year-old persons generally, and minority populations. A goal of the Maryland Strategic Highway Safety Plan is to increase seat belt use from 91.1% in 2005 to 95% or greater by 2010. SHA plans to develop an incentive/recognition program for law enforcement efforts, target pickup truck drivers and passengers, continue high visibility enforcement efforts, provide more paid media in highly populated metropolitan areas, and conduct outreach to teens.

**State Fiscal Effect:** General fund revenues from prepaid citations could be reduced by about \$1,508,625 in fiscal 2009 if enforcement of mandatory seat belt laws were limited to secondary enforcement as required by this bill, accounting for the bill's October 1 effective date. In future years, general fund revenue reductions would be about \$2 million, assuming no changes in the number of citations or in the fine amount.

The District Court reports that, in fiscal 2007, 125,043 seat belt violations were processed and 107,280 of those were prepaid with a fine of \$25. For the 107,280 prepaid violations in fiscal 2007, the District Court received \$2,682,000 in revenues. The Department of State Police advises that limiting enforcement of mandatory seat belt laws to a secondary action could reduce citations by 75%. Accordingly, this bill could reduce general fund revenues from prepaid citations from \$2,682,000 annually to \$670,500 annually, assuming no change in the number of citations issued from the number issued in fiscal 2007. However, the number of prepaid seat belt citations varies from year to year and is unpredictable.

MDOT advises that limiting seat belt enforcement to a secondary action would make MDOT ineligible for about \$500,000 annually from a federal fund highway grant for which it currently qualifies. The federal government requires states to meet four of six criteria with regard to seat belt enforcement to qualify for the highway safety grant. At this time, Maryland meets four of the six criteria. One of the criteria is that the State seat belt law requires primary enforcement, with which Maryland complies. Under this bill, Maryland would no longer meet that criterion and would, as a result meet only three of the six eligibility criteria for the grant and no longer be eligible for the highway safety grant.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 14, 2008  
mll/ljm

---

Analysis by: Karen D. Morgan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510