

JURISDICTION:
General Reference:

MARYLAND
Annotated Code of Maryland Most references are to the Transportation
Article (Tran.)

Required Use of Safety Belts¹:

Requirements:

I. A person may not operate a motor vehicle² unless they and any passenger <16 years old are secured in a seat belt (or child safety seat). Tran. §22-412.3(b)
II. A person ≥16 years old may not be a passenger in an "outboard front seat" of a motor vehicle unless they are restrained in a seat belt. An "outboard front seat" means a front seat position that is adjacent to a door of a motor vehicle. Tran. §22-412.3(a)(3) & (c)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Misdemeanor: A fine of not more than \$25 (including court costs). Tran. §§27-101(a) & 27-106(b) Note: A violation of this requirement is not considered a moving violation for licensing sanction purposes. Tran. §22-412.3(g)

Effect on Civil Liability:

The failure to use a seat belt may not be considered (1) as evidence of negligence, (2) as evidence of contributory, (2) to limit liability of a party or insurer or (4) to diminish recovery for damages arising out of the ownership, maintenance or operation of a motorcycle. Tran. §22-412.3(h)(1)

Required Use of Child Safety Restraint Systems³:

Requirements:

I. A person transporting a child <4 years old (regardless of the child's weight) or ≤40 lbs. (regardless of the child's age) in motor vehicle⁴

Required Use of Child Safety Restraints Systems:
(continued)

Requirements: (continued)

shall secure such child in a child safety seat. Tran. §22-412.2(d)(1) & (2)
II. A person transporting a child weighing >40 lbs. and <16 years old in a motor vehicle⁴ shall secure such child in a child safety seat (or a seat belt).

¹**Exemptions.** The seat requirement does not apply in the following circumstances: (1) To persons who cannot use a seat belt for physical or medical reasons; and, (2) to U.S. Postal Service carriers or contractors while delivering mail to local box routes. Tran. §22-412.3(d), (e) & (f)

²The term "motor vehicle" means either a Class A (passenger) vehicle, a Class E (truck) vehicle, Class F (tractor) vehicle, Class M (multipurpose) vehicle or Class P (passenger bus) which are required to be equipped with seat belts under Federal law. However, the term does not include a Class L (historic) vehicle. Tran. §22-412.3(a)(2) Note: Persons (operators or passengers), who are riding in (or on) the following motor vehicles, are exempt from using a seat belt by reason of the fact that such vehicles are excluded from the list of classifications of motor vehicles covered by the seat belt use law (Tran. §22-412.3(a)(2)): Class B vehicles (for hire vehicles, e.g., taxicabs, except vehicles operated on regular schedules between fixed termini); Class C vehicles (ambulances, mortician flower coach/service wagons, funeral limousine/coach); Class D vehicles (motorcycles); Class G vehicles (trailers or semitrailers); Class H vehicles (school buses/vehicles); Class J vehicles (vanpool vehicles); Class K vehicles (farm vehicles operated only on a farm or within 10 miles of a farm); Class L vehicles (historic vehicles, i.e., vehicles that are ≥20 years old); Class N vehicles ("street rod" vehicles, e.g. vehicles that are ≥25 years old and that have been modified from the manufactures' original design); and, Class Q vehicles (limousines). Tran. §§11-165 and 13-912 et seq.

³**Exemptions.** The requirements to use either a child safety seat or seat belt do not apply in the following circumstances: (1) To children whose weight, physical unfitness or medical condition prevent the practical use of this device; and, (2) to children where the number of children riding in the vehicle exceeds the number of available seat belts in the vehicle. Tran. §22-412.2(f) & (h)

⁴The term "motor vehicle" means either a Class A (passenger) vehicle, Class E (truck) vehicle with a capacity ≤3/4 ton and a gross vehicle weight ≤7,000 lbs. or a Class M (multipurpose) vehicle. Tran. §22-412.2(c)

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Tran. §22-412.2(e)(1) & (2)

Note: A child safety seat or seat belt may not be used to restrain, seat or position more than one individual at a time. Tran. §22-412.2(g)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Misdemeanor: A fine of **\$25**. Tran. §§22-412.2(l)(1) & 27-101(a) Note: A violation of this requirement is not considered a moving violation for licensing sanction purposes. Tran. §22-412.2(j)

Effect on Civil Liability:

A violation of this requirement is not contributory negligence and may not be admitted as evidence in the trial of any civil action. Tran. §22-412.2(i)

Required Use of Motorcycle Protective Headgear:

Requirements:

A person shall not operate or ride on a motorcycle unless they are wearing State approved protective headgear.⁵ Tran. §21-1306(b) Note: This requirement does not apply to persons riding in an enclosed cab. Tran. §21-1306(a)

Sanctions for Failure to Use:

Misdemeanor: A fine of not more than **\$500**. Tran. §27-101(a) & (b) Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Motorcycle Eye Protection Device:

Requirements:

A person shall not operate or ride on a motorcycle unless they are wearing State approved eye-protection device or using a windscreen. Tran. §21-1306(c) Note: This requirement does not apply to persons riding in an enclosed cab. Tran. §21-1306(a)

Sanctions for Failure to Use:

Misdemeanor: A fine of not more than **\$500**. Tran. §27-101(a) & (b) Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Bicycle Protective Headgear:

Requirements:

A person <16 years old may not ride or be a passenger on a bicycle on

Required Use of Bicycle Protective Headgear:
(continued)

⁵The failure to use protective headgear may not be considered (1) as evidence of negligence, (2) as evidence of contributory, (2) to limit liability of a party or insurer or (4) to diminish recovery for damages arising out of the ownership, maintenance or operation of a motorcycle. Tran. §21-1306(e)(1)

Requirements: (continued) a highway unless they wear a nationally approved helmet.⁶ Tran. §21-1207.1(a)(ii) & (c)

Sanctions for Failure to Use: A person, violating this requirement, is issued a warning that informs them of the requirements and provides educational materials about bicycle helmet use. Tran. §21-1207.1(d)

Required Use of Bicycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements: I. A person may not operate a Class E vehicle⁷ while a passenger <16 years old is riding in the unenclosed bed of the vehicle. Tran. §21-1121(c)
 II. A person may not occupy the cargo area of a (1) truck, (2) a truck/trailer or (3) a truck tractor/semitrailer or trailer combination where any of these vehicles has a gross vehicle weight of ≥10,001 lbs. and is being operated on a highway. Tran. §21-1107(a) & (b)

Sanctions for a Violation: Misdemeanor: A fine of not more than **\$500**. Tran. §27-101(a) & (b)
 Note: The law does not appear to assign points for a violation of these requirements.

Exemptions: I. The prohibition in I does not apply if (1) the vehicle is traveling ≤25 MPH, (2) an employee is being transported to a work site or (2) an individual is engaged in farming operations. Tran. §21-1121(b)(1) Note: These exemptions do not eliminate the requirements to use child safety seat or safety belts. Tran. §21-1121(a) & (b)
 II. The prohibition in II does not apply to (1) a person delegated to care of livestock, (2) a vehicle controlled or operated by a farmer where such vehicle (a) is being used to transport agricultural products, farm machinery or farm supplies to or from a farm, (b) is not used in operations of a common or contract motor carrier and (c) is used within 150 miles of the farm; (3) a vehicle owned or operated by the U.S. Defense Department and operated either (a) by active duty personnel or (b) by reserve or national guard personnel while on either active duty or on part-time training; or, (4) a vehicle traveling at a speed ≤25 MPH. Tran. §21-1107(c)

⁶This requirement does not apply (1) to passengers riding in commercial bicycle rickshaws or (2) to persons riding bicycles on certain segments of the boardwalk in Ocean City, Maryland. Tran. §21-1207.1(a)(2) & (b)

⁷A Class E vehicle is a truck with a capacity of ¾ ton or less and a gross vehicle weight of ≤7,000 lbs. Tran. §§13-917 & 21-1121(a)

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