

SCHWARTZ, METZ & WISE, P.A.

ATTORNEYS

20 WEST STREET
ANNAPOLIS, MARYLAND 21401

TEL: 410-244-7000

FAX: 410-269-5443

TO: The Honorable Brian E. Frosh, Chairman
Members, Senate Judicial Proceedings Committee

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: January 23, 2013

RE: **SUPPORT** – Senate Bill 87 – *Vehicle Laws – Seat Belts and Child Safety Seats*

On behalf of MedChi, the Maryland State Medical Society and the Maryland Chapter of the American Academy of Pediatrics, we support Senate Bill 87.

Senate Bill 87 provides three important enhancements to Maryland's current child safety seat and seat belt law. First it removes an exemption that enables a driver to transport children in a car unrestrained if the number of children exceeds the number of seating locations suitable for a safety seat. This exemption clearly undermines the intent of the law which is to ensure that all children are properly seated. When transporting multiple children under the age of 8, those adults responsible for transportation should plan appropriately to ensure all children will be safely restrained. There should not be an exemption for failing to plan for the transportation needs of children under the age of 8.

Further, the bill requires all passengers to be restrained in a seat belt or child safety seat. Current law only requires the driver, a passenger in the front outboard seat and children under the age of 16 to be properly restrained. Enactment of requirements that cover all occupants provides critical enhancement to the safety of all passengers. There is no rational justification for failing to require all passengers to be properly restrained.

The legislation also increases the penalty for failure to comply with the requirements from \$25 to \$50. This enhanced penalty signals the critical importance of the safety requirements and more importantly provides a likely incentive for the purchase of child safety restraints. Under current law, a judge may waive the penalty if there is proof that a child safety seat has been purchased. A \$50 fine is significantly less than the cost of a seat. A \$50 fine is closer to the average cost of a seat and

The Honorable Brian E. Frosh, Chairman
Senate Bill 87
Page Two

may serve to modify behavior. Without an increase in the penalty, it is easier and less costly for someone to pay the fine than properly secure their children.

A favorable report is requested.

For more information call:

Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise
(410) 244-7000