

(H) IF THE NUMBER OF CHILDREN SUBJECT TO THE PROVISIONS OF THIS SECTION EXCEEDS THE NUMBER OF PASSENGER SECURING LOCATIONS AVAILABLE FOR USE BY CHILDREN AFFECTED BY THIS SECTION, AND ALL OF THOSE SECURING LOCATIONS ARE IN USE BY CHILDREN, ~~THE DRIVER IS EXEMPT FROM THE PROVISIONS~~ CHILDREN, THERE IS NOT A VIOLATION OF THIS SECTION.

(I) A VIOLATION OF THIS SECTION IS NOT CONTRIBUTORY NEGLIGENCE AND MAY NOT BE ADMITTED AS EVIDENCE IN THE TRIAL OF ANY CIVIL ACTION.

(J) A VIOLATION OF THIS SECTION IS NOT CONSIDERED A MOVING VIOLATION FOR PURPOSES OF ~~§ 16-401~~ § 16-402 OF THIS ARTICLE.

(K) THE FAILURE TO PROVIDE A CHILD SAFETY SEAT, SEAT BELT, OR COMBINATION SEAT BELT-SHOULDER HARNESS FOR MORE THAN 1 CHILD IN THE SAME VEHICLE AT THE SAME TIME, AS REQUIRED BY THIS SECTION, SHALL NOT BE TREATED AS SEPARATE VIOLATIONS.

(L) (1) ANY PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE OF \$25.

(2) A JUDGE MAY WAIVE THE FINE IF THE PERSON CHARGED WITH VIOLATION OF THIS SECTION:

(I) DID NOT POSSESS A CHILD SAFETY SEAT AT THE TIME OF THE VIOLATION ;

(II) ACQUIRES A CHILD SAFETY SEAT PRIOR TO THE HEARING DATE; AND

(III) PROVIDES PROOF OF ACQUISITION ~~WITH THE APPLICATION TO THE COURT.~~

(M) THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL JOINTLY IMPLEMENT THE CHILD SAFETY SEAT PROGRAM AND FOSTER COMPLIANCE WITH THIS SECTION THROUGH EDUCATIONAL AND PROMOTIONAL EFFORTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 1984.

Approved May 24, 1983.

CHAPTER 287

(Senate Bill 437)

AN ACT concerning

Motor Vehicles - Child Safety Seats