

(c) This section applies to the transportation of a child in a vehicle registered, or of a type capable of being registered, in this State as a:

- (1) Class A (passenger) vehicle;
- (2) Class E (truck) with a manufacturer's rated capacity of 3/4 ton or less, the gross vehicle weight of which does not exceed 7,000 pounds; or
- (3) Class M (multipurpose) vehicle.

(d) [Any person transporting a child under the age of 4 or weighing 40 pounds or less shall position and secure the child in a child safety seat.] A PERSON TRANSPORTING A CHILD SHALL SECURE THE CHILD IN A CHILD SAFETY SEAT IN ACCORDANCE WITH THE CHILD SAFETY SEAT AND VEHICLE MANUFACTURERS' INSTRUCTIONS IF THE CHILD:

- (1) IS UNDER THE AGE OF 4 YEARS, REGARDLESS OF THE CHILD'S WEIGHT; OR
- (2) WEIGHS 40 POUNDS OR LESS, REGARDLESS OF THE CHILD'S AGE.

(e) [Subject to the provisions of subsection (d) of this section, any person transporting a child weighing more than 40 pounds and who is less than 10 years of age shall:

- (1) Position and secure the child in a child safety seat; or
- (2) Seat and secure the child in a properly fastened seat belt or combination seat belt-shoulder harness.] A PERSON MAY NOT TRANSPORT A CHILD UNDER THE AGE OF 16 YEARS UNLESS THE CHILD IS SECURED IN:

- (1) A CHILD SAFETY SEAT IN ACCORDANCE WITH THE CHILD SAFETY SEAT AND VEHICLE MANUFACTURERS' INSTRUCTIONS; OR
- (2) A SEAT BELT.

(f) If a physician, who is licensed to practice medicine in the state in which the vehicle transporting the child is registered, certifies in writing that use of a child safety seat by a particular child would be impractical due to the child's weight, physical unfitness, or other medical reason, there is not a violation of this section.

(g) A child safety seat[, ] OR seat belt [or combination seat belt-shoulder harness] may not be used to restrain, seat, or position more than 1 individual at a time.

(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, 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 § 16-402 of this article.