

~~(4)~~ (1) IS UNDER THE AGE OF 4 YEARS, REGARDLESS OF THE CHILD'S WEIGHT; OR

~~(4)~~ (2) WEIGHS 40 POUNDS OR LESS, REGARDLESS OF THE CHILD'S AGE.

(e) 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 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] SUITABLE FOR SECURING A CHILD EITHER IN A SEAT BELT OR IN A CHILD SAFETY SEAT IN ACCORDANCE WITH 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.

(k) The failure to provide a child safety seat or seat belt for more than 1 child in the same vehicle at the same time, as required by this section, shall be treated as a single violation.

(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 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.