

(e) ~~Any~~ SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, ANY person transporting a child [at least 3 years old but under the age of 5] 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.

(f) If a physician licensed to practice medicine in this State determines, and so 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, 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.

(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 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.

22-412.3.

(a) (1) In this section, the following words have the meanings indicated.