

A Primer on Maryland Child Passenger Safety (CPS) Law

- **Need for Car Seats and Booster Seats**

In 2011, more than 1,100 children in the US died in motor vehicle crashes, and 30% of children below the age of four killed in accidents were completely unrestrained. CPS equipment, such as car seats and booster seats, has shown to reduce these fatalities by up to 71% for infants and 54% for toddlers.

- **State Requirements on Use of CPS Devices**

Maryland law requires that any child under the age of 8 ride in a federally approved car seat, booster seat, or other safety device unless the child reaches 4' 9" prior to age 8. Additionally, any child from 8 to 16 years old who is not secured in a child restraint must be secured in a vehicle seat belt.

- **Incorrect Installation Significantly Reduces Protection**

Approximately 70% of CPS devices are installed and used incorrectly. Incorrect installation results in increased risk for intestinal, liver, spleen and spinal cord injury during motor vehicle collisions. The most effective way to achieve proper installation is for CPS certified technicians to train parents on proper installation.

- **CPS Certified Technicians**

The National Highway Traffic Safety Administration (NHTSA) has partnered with the non-profit group Safe Kids Worldwide™ to create an educational program to train people to educate parents about CPS laws and safety standards, and give hands-on support to parents to help them correctly install and use car and booster seats. These technicians undergo a three-day course with approximately 24 hours of instruction. Technicians must also re-certify every two years to keep abreast of new developments in CPS technology and safety standards. Since the program's inception in 1998, there have been 126,000 people who have completed training as CPS technicians, and 36,000 currently maintain certification.

- **Liability Protection for CPS Certified Technicians and Their Sponsoring Organizations**

In an effort to boost CPS education programs and encourage more people to become CPS technicians, Maryland grants CPS certified technicians and their sponsoring organizations immunity from civil liability. Immunity is granted for any act or omission that occurs solely in the inspection, installation, or adjustment of a child safety seat in a motor vehicle, or in giving advice or assistance regarding the installation or adjustment of a child safety seat. A sponsoring institution can be an employer of a CPS technician, an organization that offers free child safety seat checkup events or fitting station programs for the general public, or an organization that owns property on which such events take place.

This protection only covers acts or omissions that are provided without charge to the owner or operator of the motor vehicle, and those acts or omissions that are not in conjunction with the for-profit sale of CPS equipment. Additionally, immunity is not given for gross negligence or willful or wanton misconduct, meaning that a technician must exercise reasonable care and not purposefully ignore any known risks or dangers about a car seat.

For more on hospitals and liability, contact cps@miemss.org to receive: **“Issue Brief: Hospitals' Role in Car Seat Safety**, by Sean Gugerty & Bradley Nolet, Student Attorneys, Public Health Law Clinic, Kathleen Susan Hoke, Professor, Public