



MARYLAND STATE LAW LIBRARY  
LEGAL RESEARCH TEACH - IN

DECIPHERING THE CODES:  
RESEARCHING  
LEGISLATIVE HISTORY  
(IN MARYLAND)

MIKE MILLER  
APRIL 13, 15, 2005

# OUTLINE

- A. INTERNET ASSISTANCE AT MSLL
- B. BACKGROUND ON “THE HUNT”
- C. FIRST THINGS FIRST
- D. WHEN LANGUADE ADDED? – STEPS & SOURCES
- E. ONCE DATE IS KNOWN – STEPS & SOURCES
- F. UNDERSTANDING LEGISLATIVE PROCESS
- G. SOURCES WITHIN THE LEGISLATIVE PROCESS
- H. SOURCES OUTSIDE THE LEGISLATIVE PROCESS





## A. INTENT ASSISTANCE AT MSL:LL:

1. PREFERRED CUSTOMERS?
2. GREAT COLLECTION (PRINT & ONLINE)
3. PEOPLE WHO “KNOW THE SOURCES”
4. A LITTLE “SPOON FEEDING” NO FAST FOOD FRANCHISE!



## B. BACKGROUND INFORMATION

1. DEFINITION OF A STATUTE
2. DEFINITIONS OF “HISTORY & “INTENT”
3. COURTS’ FUNCTION TO DETERMINE?  
DIFFERING OPINIONS
4. COURTS’ GUIDELINES IN ANSWERING  
THE QUESTION:
  - ◆ CANONS OF STATUTORY CONSTRUCTION
  - ◆ LEGISLATIVE HISTORY
5. PHENOMENAL GROWTH OF THIS RESEARCH
6. PREREQUISITES BEFORE THE HUNT

# DEFINITIONS:

## 1. STATUTE

*A FORMAL WRITTEN LAW OR ENACTMENT OF A LEGISLATIVE BODY (STATE OR FEDERAL)*

## 2. LEGISLATIVE HISTORY:

*THE OFFICIALLY DOCUMENTED PROCESS, FROM FIRST PROPOSAL TO LAST STEP OF ENACTMENT, BY WHICH A BILL BECOMES A LAW. IN A BROADER, LESS USUAL SENSE, IT ALSO INCLUDES PREDECESSOR EVENTS AND LEGISLATION.*



# DEFINITION:

## LEGISLATIVE INTENT:

*WHAT THE MOVING PARTIES BEHIND A STATUTE SUBJECTIVELY INTENDED TO SAY BY THE LANGUAGE THEY USED. IT SHOULD BE DISTINGUISHED FROM “LEGISLATIVE PURPOSE”, WITH WHICH IT IS COMMONLY CONFUSED AND WHICH SHOULD BE USED TO REFER ONLY TO THE ULTERIOR PURPOSES OF THE STATUTE.* <sup>1</sup>

1. J. Gray. The Nature and Sources of the Law, 170 (2d ed. 1921)



### 3. DIFFERING OPINIONS – LEGITIMACY OF THE HUNT:

◆ “ ... *LAWYERS AND JUDGES SHOULD LIMIT THEIR ARGUMENTS TO WHAT IS WRITTEN IN THE STATUTE . . .*” *THE TALK OF LEGISLATIVE INTENT IS, FROM THE ONSET, RIDICULOUS . . .*”

- ANTONIN SCALIA IN SPEECH AT UNIVERSITY OF BALTIMORE LAW SCHOOL APRIL 12, 1995.

◆ “ *THE IDEA THAT STATUTORY CONSTRUCTION SHOULD BE CONFINED TO A STATUTE’S TEXT IS SHORTSIGHTED AND INADEQUATE FOR WHAT IS REQUIRED IN A DEMOCRATIC SYSTEM THAT DRAWS A LOT FROM COMMON LAW. ALTHOUGH STATUTES ARE SUPREME IN TODAY’S CONSTITUTIONAL DEMOCRACY, THEY DO NOT EXIST IN A VACUUM ... WHILE LEGISLATIVE RECORDS ARE NOT AUTHORITATIVE SOURCES OF LAW, THEIR CAUTOIUS USE PRESENTS A COMPLETE PICTURE . . .* ”

-Theo I OGUNE, ESQ. IN AN ARTICLE  
“JUDGES AND STATUTORY CONSTRUCTION:  
JUDICIAL ZOMBISM OR CONTEXTUAL ACTIVISM?”  
30 U. OF BALT. L. FORUM 4 (SUMMER, 2000)



## 4. (A) SAMPLING OF CANONS OF STATUTORY CONSTRUCTION

- “Plain meaning” of the statute is to control.
- Statutes in derogation of the common law are to be read narrowly.
- Remedial statutes are to be read broadly.
- Criminal statutes are to be read narrowly.
- Statutes that relate to the same subject matter (*in pari materia*) are to be construed together.
- Words and phrases that have received judicial construction before enactment are to be understood according to that construction.
- A statute should be read to avoid internal inconsistencies.
- Words are to be given their common meaning, unless they are technical terms or words of art.

## 4. (B) LEGISLATIVE HISTORY

“...IN SOME CASES, THE STATUTORY TEXT REVEALS AMBIGUITY, AND THEN THE JOB OF THIS COURT IS TO RESOLVE THAT AMBIGUITY IN LIGHT OF THE LEGISLATIVE INTENT, USING ALL THE RESOURCES AND TOOLS OF STATUTORY CONSTRUCTION AT OUR DISPOSAL. HOWEVER BEFORE JUDGES MAY LOOK TO OTHER SOURCES FOR INTERPRETATION, FIRST THERE MUST EXIST AN AMBIGUITY WITHIN THE STATUTE, i.e., TWO OR MORE REASONABLE ALTERNATIVE INTERPRETATIONS OF THE STATUTE . . .”

HON. IRMA RAKER, MAJORITY OPINION IN  
PRICE V. STATE, 378 MD. 378, 387 (2003)

Source: Legal > States Legal - U.S. > Maryland > Cases > MD State Cases, Combined  
Terms: legislative history or legislative intent and date(geq (1/01/1970) and leq (12/31/1989)) (Edit Search)

Select for FOCUS™ or Delivery

- 1. [Cunningham v. State](#), No. 29, September Term, 1989, Court of Appeals of Maryland, 318 Md. 182; 567 A.2d 126; 1989 Md. LEXIS 181, December 26, 1989, As Corrected January 8, 1990.

**OVERVIEW:** It was permissible to convict defendant on separate offenses and sentence him to separate punishments for the possession of two different controlled substances even though his possession of those substances was simultaneous.

**CORE TERMS:** simultaneous, legislative intent, heroin, possessing, driving, distribute, marihuana, possessed, sentences, cocaine ...

- 2. [Baltimore City Police Dep't v. Andrew](#), No. 26, September Term, 1989, Court of Appeals of Maryland, 318 Md. 3; 566 A.2d 755; 1989 Md. LEXIS 167, December 5, 1989

**OVERVIEW:** Statute of limitations barred further proceedings in a police brutality matter at the behest of complainant, if complaint was not filed within 90 days. Statute did not bar police agency from investigating or pressing charges on its own initiative.

**CORE TERMS:** brutality, subtitle, statute of limitations, sworn, disciplinary action, discipline, police commissioner, regulation, recommendations, sentence ...

- 3. [State v. Runge](#), No. 28, September Term, 1989, Court of Appeals of Maryland, 317 Md. 613; 566 A.2d 88; 1989 Md. LEXIS 158, November 27, 1989

**OVERVIEW:** A state criminal statute designed to prevent the disclosure of records concerning child abuse and neglect did not



## 6. PREREQUISITES BEFORE THE HUNT:

- ◆ SENSE OF HISTORY & WORLD AROUND US
- ◆ PHONE NUMBER / ADDRESS OF 2 LIBRARIES IN PARTICULAR
- ◆ SENSE OF ADVENTURE – USING PRINT SOURCES!
- ◆ ACCESS TO HISTORICAL SET OF MARYLAND CODE
- ◆ ABLE TO DEAL WITH REJECTION – FINDING ABSOLUTELY NO INTENT LEADS



# MARYLAND STATE LAW LIBRARY

Last Updated February, 2004

## GHOST HUNTING

### Searching for Maryland Legislative History;

Revised 2004

by Michael S. Miller

(original source: 22 Maryland Bar J. 11, July/Aug. 1989)

The title of this article was chosen advisedly: when you are trying to find the legislative history of a particularly troublesome or cryptic Maryland statute, you soon discover the spectral mists enveloping the past of almost any law. Unhappily, there are few Maryland equivalents to the Congressional committee reports, hearings, floor debate records, and other extrinsic aids to construing federal statutes.

But all is not hopeless. The checklist that follows, while not purporting to be exhaustive, catalogs many of the materials Maryland courts have consulted when they are attempting to ferret out the genesis or meaning of an ambiguous statute.

Two prerequisites of research into legislative history in Maryland are first, understanding the legislative process and second, knowing where to look for the materials. For assistance on the first, you should review two invaluable guides prepared by the Department of Legislative Services. One is the Maryland Legislator's Handbook, designed for new members of the General Assembly and is completely revised at the beginning of each four-year term of the Assembly; the other is Steps in Processing Legislation, a primer for the legislative staff. As to the second prerequisite, locating the sources, you will find that the most comprehensive collections of the legislative record and other extrinsic aids are housed in the following three institutions:

Maryland Department of Legislative Services Library  
State Circle  
Annapolis, Maryland 21401  
(410) 946-5400  
1-800-492-7122

[http://dls.state.md.us/side\\_pgs/library\\_info/library\\_info.html](http://dls.state.md.us/side_pgs/library_info/library_info.html)

Maryland State Law Library  
Robert C. Murphy Courts of Appeal Building  
361 Rowe Boulevard  
Annapolis, Maryland 21401  
(410) 260-1430  
toll free # 1-888-216-8156

<http://www.lawlib.state.md.us/>

Maryland State Archives  
360 Rowe Boulevard  
P.O. Box 828  
Annapolis, Maryland 21401  
(410) 260-6400  
<http://www.mdarchives.state.md.us/>

# Prior Session Information

Information about the General Assembly's activity is available for the 1996 - 2004 sessions:

## Legislation

Type of Information	1996	1997	1998	1999	2000	2001	2002	2003	2004	2004S1
Bills	-	-	-	-	-	-	-	-	-	-
Sponsor Indexes	-	-	-	-	-	-	-	-	-	-
Subject Indexes	-	-	-	-	-	-	-	-	-	-
File Code Indexes	-	-	-	-	-	-	-	-	-	-
Statute Indexes	-	-	-	-	-	-	-	-	-	-
Proceedings	-	-	-	-	-	-	-	-	-	-
Legislative Wrap-Up	-	-	-	-	-	-	-	-	-	-
90 Day Report				-	-	-	-	-	-	
Bills Signed and Vetoed					-	-	-	-	-	-
Veto Overrides									-	-
Synopsis of Passed Bills								-		



## C. “FIRST THINGS FIRST” :

1. THE INTERVIEW PROCESS
2. OFTEN “GO-BETWEENS”
3. VERIFYING ARTICLE & SECTION IN QUESTION
4. STARTING FROM SCRATCH OR SOME RESEARCH ALREADY DONE?
5. CAVEATS ABOUT THIS HUNT





**D. FIRST CHALLENGE:  
WHEN CODE LANGUAGE ADDED?**

1. CURRENT CODE ARTICLE & SECTION IN HAND
2. EYES TO THE PARENTHETICAL!  
(VARIATION BETWEEN BLACKS & MAROONS)
3. COLLECTION OF SUPERSEDED CODES & POCKET PARTS  
(1840- DATE)
4. CAREFUL READING OF OLD CODES & SUPPLEMENTS
5. CONFIRM IN *LAWS OF MARYLAND*

# INTENT QUESTION: MUST TAXICAB DRIVERS WEAR SEATBELTS?



## MICHIE'S ANNOTATED CODE OF MARYLAND

AN  
NOTATED  
CODE  
OF  
MARYLAND

§§ 11-101  
to End

2002  
Replacement  
Volume

  
LexisNexis

### § 22-412.3

ANNOTATED CODE OF MARYLAND

#### § 22-412.3. Mandatory seat belt use.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Motor vehicle” means a vehicle that is:

1. Registered or capable of being registered in this State as a Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or Class P (passenger bus) vehicle; and

2. Required to be equipped with seat belts under federal motor vehicle safety standards contained in the Code of Federal Regulations.

(ii) “Motor vehicle” does not include a Class L (historic) vehicle.

(3) “Outboard front seat” means a front seat position that is adjacent to a door of a motor vehicle.

(4) (i) “Seat belt” means a restraining device described under § 22-412 of this subtitle.

(ii) “Seat belt” includes a combination seat belt-shoulder harness.

(b) *Seat belts required.* — A person may not operate a motor vehicle unless the person and each occupant under 16 years old are restrained by a seat belt or a child safety seat as provided in § 22-412.2 of this subtitle.

(c) *Passengers.* — (1) The provisions of this subsection apply to a person who is at least 16 years old.

(2) Unless a person is restrained by a seat belt, the person may not be a passenger in an outboard front seat of a motor vehicle.

(3) A person who violates the provisions of this subsection shall be subject to the penalties under Title 27 of this article.

(d) *Physically disabled persons.* — If a physician licensed to practice medicine in this State determines and certifies in writing that use of a seat belt by a person would prevent appropriate restraint due to a person’s physical disability or other medical reason, the provisions of this section do not apply to the person.

(e) *Certification of disability.* — A certification under subsection (d) of this section shall state:

(1) The nature of the physical disability; and

(2) The reason that restraint by a seat belt is inappropriate.

(f) *U.S. Postal Service and contract carriers.* — The provisions of this section do not apply to U.S. Postal Service and contract carriers while delivering mail to local box routes.

(g) *Violations not moving violation.* — A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

(h) *Failure to use seat belt.* — (1) Failure of an individual to use a seat belt in violation of this section may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a seat belt during a trial of a

*current code text* 634

civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, installation, supplying, or repair of a seat belt.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of an incident that involves a defectively installed or defectively operating seat belt.

(ii) In a civil action in which 2 or more parties are named as joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint tort-feasors or defendants is not involved in the design, manufacture, installation, supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends of justice on a motion of any party.

(i) *Prevention and education programs.* — The Administration and the Department of State Police shall establish prevention and education programs to encourage compliance with the provisions of this section.

(j) *Annual evaluation report on State's highway safety plan.* — The Administration shall include information on this State's experience with the provisions of this section in the annual evaluation report on the State's highway safety plan that this State submits to the National Highway Traffic Safety Administration and the Federal Highway Administration under 23 U.S.C. § 402. (1986, chs. 287, 288; 1987, ch. 213; 1989, ch. 5, § 1; 1991, ch. 466; 1992, chs. 280, 482; 1993, ch. 5, § 1; 1994, ch. 165, § 3; ch. 166, § 3; 1995, ch. 3, § 2; 1996, chs. 401, 402; 1997, chs. 309, 310.)

*HISTORY*

**Editor's note.** — Section 2, ch. 288, Acts 1986, provides that "it is the policy of this State that enactment of this mandatory automobile safety belt usage law is intended to be compatible with support for federal safety standards requiring automatic crash protection, and should not be used in any manner to rescind federal requirements of installation of automatic restraints in new cars."

**Applied** in *Ramrattan v. Burger King Corp.*, 656 F. Supp. 522 (D. Md. 1987).

**Quoted** in *United States v. Streidel*, 329 Md. 533, 620 A.2d 905 (1993); *White v. State*, 363 Md. 150, 767 A.2d 855 (2001).

**Cited** in *United States v. Rodriguez-Diaz*, 161 F. Supp. 2d 627 (D. Md. 2001).

#### § 22-412.4. Seat belts or restraining devices in emergency vehicles.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) "Vehicle" means an emergency vehicle purchased or leased by the State, a county, municipality, or volunteer fire department or rescue squad and operated by a:

- (i) State, county, or municipal fire department;
- (ii) Volunteer fire department; or
- (iii) Rescue squad.

(3) "Seat belt" means a restraining device described under § 22-412 of this subtitle.

(b) *Required.* — A vehicle registered in the State and manufactured and assembled after January 1, 1990 shall be equipped with a seat belt or safety



1957  
ANNOTATED  
CODE OF  
MARYLAND

1986  
SUPP  
HEALTH-GENERAL  
TRANSPORTATION

## 22-412.2. Child safety seats.

(f) *Medical exception.* — 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 infirmity, or other medical reason, there is not a violation of this section. 1984, ch. 255.)

*Effect of amendment.* — The 1984 amendment, approved May 8, 1984, and effective from date of passage, inserted a comma following "determines" in subsection (f).

As the remainder of the section was not affected by the amendment, it is not set forth above.

**Editor's note.**

Section 2, ch. 255, Acts 1984, provides that

"the provisions of this act are intended solely to correct technical errors in the law and that there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this act."

## 22-412.3. Mandatory seat belt use.

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

(2) (i) "Motor vehicle" means a vehicle that is:

1. Registered or capable of being registered in this State as a Class A (passenger) or Class M (multipurpose) vehicle; and
2. Required to be equipped with seat belts under federal motor vehicle safety standards contained in the Code of Federal Regulations.

(ii) "Motor vehicle" does not include a Class L (historic) vehicle.

(3) "Outboard front seat" means a front seat position that is adjacent to a door of a motor vehicle.

(4) (i) "Seat belt" means a restraining device described under § 22-412 of this article.

(ii) "Seat belt" includes a combination seat belt-shoulder harness.

(b) *Seat belts required.* — A person may not operate a motor vehicle unless the person and each outboard front seat occupant under 16 years old are restrained by a seat belt or a child safety seat as provided in § 22-412.2 of this article.

(c) *Passengers.* — (1) The provisions of this subsection apply to a person who is at least 16 years old.

(2) Unless a person is restrained by a seat belt, the person may not be a passenger in an outboard front seat of a motor vehicle.

(3) A person who violates the provisions of this subsection shall be subject to the penalties under this section.

(d) *Physically disabled persons.* — If a physician licensed to practice medicine in this State determines and certifies in writing that use of a seat belt by a person would prevent appropriate restraint due to a person's physical disability or other medical reason, the provisions of this section do not apply to the person.

(e) *Same — Certification.* — A certification under subsection (d) of this section shall state:

(1) The nature of the physical disability; and

(2) The reason that restraint by a seat belt is inappropriate.

(f) *Violations not moving violation.* — A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

(g) *Failure to use seat belt.* — (1) Failure of an individual to use a seat belt in violation of this section may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a seat belt during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, installation, supplying, or repair of a seat belt.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of an incident that involves a defectively installed or defectively operating seat belt.

(ii) In a civil action in which 2 or more parties are named as joint tortfeasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint tortfeasors or defendants is not involved in the design, manufacture, installation, supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends of justice on a motion of any party.

(h) *Prevention and education programs.* — The Administration and the Maryland State Police shall establish prevention and education programs to encourage compliance with the provisions of this section.

(i) *Annual evaluation report on State's highway safety plan.* — The Administration shall include information on this State's experience with the provisions of this section in the annual evaluation report on the State's highway safety plan that this State submits to the National Highway Traffic Safety Administration and the Federal Highway Administration under 23 U.S.C. § 402.

(j) *Enforcement of provisions by police officers.* — A police officer may enforce the provisions of this section only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of the Code. (1986, chs. 287, 288.)

**Editor's note.** — Section 2, ch. 287, Acts 1986, provides that "the Secretary of Transportation and the Insurance Commissioner jointly shall submit a report to the General Assembly no later than 20 days prior to the commencement of the regular sessions of 1988, 1989, and 1990. These reports shall evaluate the effec-

tiveness of this act, and shall include, but not be limited to, information and recommendations relating to the extent to which the public has complied with this act, statistics on traffic accidents and resulting injuries and fatalities, and the effect of this act on insurance rates, including a listing of those insurance compa-



## **E. ONCE THE DATE IS KNOWN - STEPS & SOURCES:**

1. SCAN CODE'S EDITOR'S NOTES,  
ANNOTATIONS
2. IF MAJOR RE-WRITE (CODE REVISION):
  - ◆SCAN REVISORS' NOTES/COMMENTS

§ 22-412. Seat belts required.

(a) *Front seat.* — Every motor vehicle registered in this State and manufactured or assembled after June 1, 1964, shall be equipped with two sets of seat belts on the front seat of the vehicle.

(b) *Rear seat.* — Every motor vehicle registered in this State and manufactured or assembled with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts on the rear seat of the vehicle.

(c) *Sale or offer for sale of vehicles in violation of section.* — A person may not sell or offer for sale any vehicle in violation of this section.

(d) *“Motor vehicle” defined.* — For the purpose of this section only, “motor vehicle” does not include any motorcycle, bus, truck, or taxicab.

(e) *“Seat belt” defined.* — For the purpose of this section only, “seat belt” means any belt, strap, harness, or like device.

(f) *Sale of certain seat belts prohibited.* — A seat belt may not be sold or offered for sale for use in connection with the operation of a motor vehicle in this State after June 1, 1964, unless it meets applicable federal motor vehicle safety standards. (An. Code 1957, art. 66½, § 12-412; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 1999, ch. 645.)

**Maryland Law Review.** — For comment on *Cierpisz v. Singleton*, 247 Md. 215, 230 A.2d 629 (1967), cited in the notes below, see 27 Md. L. Rev. 437 (1967).

**Failure to use seat belt.** — It is not negligence per se to fail to use a seat belt where the statute requires only its installation in the vehicle. *Cierpisz v. Singleton*, 247 Md. 215, 230 A.2d 629 (1967).

The failure to use the seat belt, standing alone, is not evidence sufficient to support a

finding of contributory negligence. *Cierpisz v. Singleton*, 247 Md. 215, 230 A.2d 629 (1967).

Although automobile manufacturers have included seat belts in passenger vehicles, including taxicabs, for more than 30 years, State law that requires the use of seat belts does not extend to the driver of a taxicab. 85 Op. Att’y Gen. — (July 31, 2000).

§ 22-412.1. Seat belts and other equipment for vehicles used by nursery schools, camps, etc.

Every motor vehicle that is used by nursery schools, camps, day nurseries, or day care centers for retarded children to transport children and that is not regulated as a “school bus” under this article, shall be equipped with seat belts for each seat and shall be subject to such other regulations as may be prescribed by the Administration. (An. Code 1957, art. 66½, § 12-412.1; 1977, ch. 14, § 2.)

§ 22-412.2. Child safety seats [Subject to amendment October 1, 2003; amended version follows this section].

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Child safety seat” means a device that is manufactured in accordance with the 1981 Federal Motor Vehicle Safety Standards and is used to restrain, seat, or position a child who is transported in a motor vehicle.





## F. High Comfort Level

- Understanding the Legislative Process

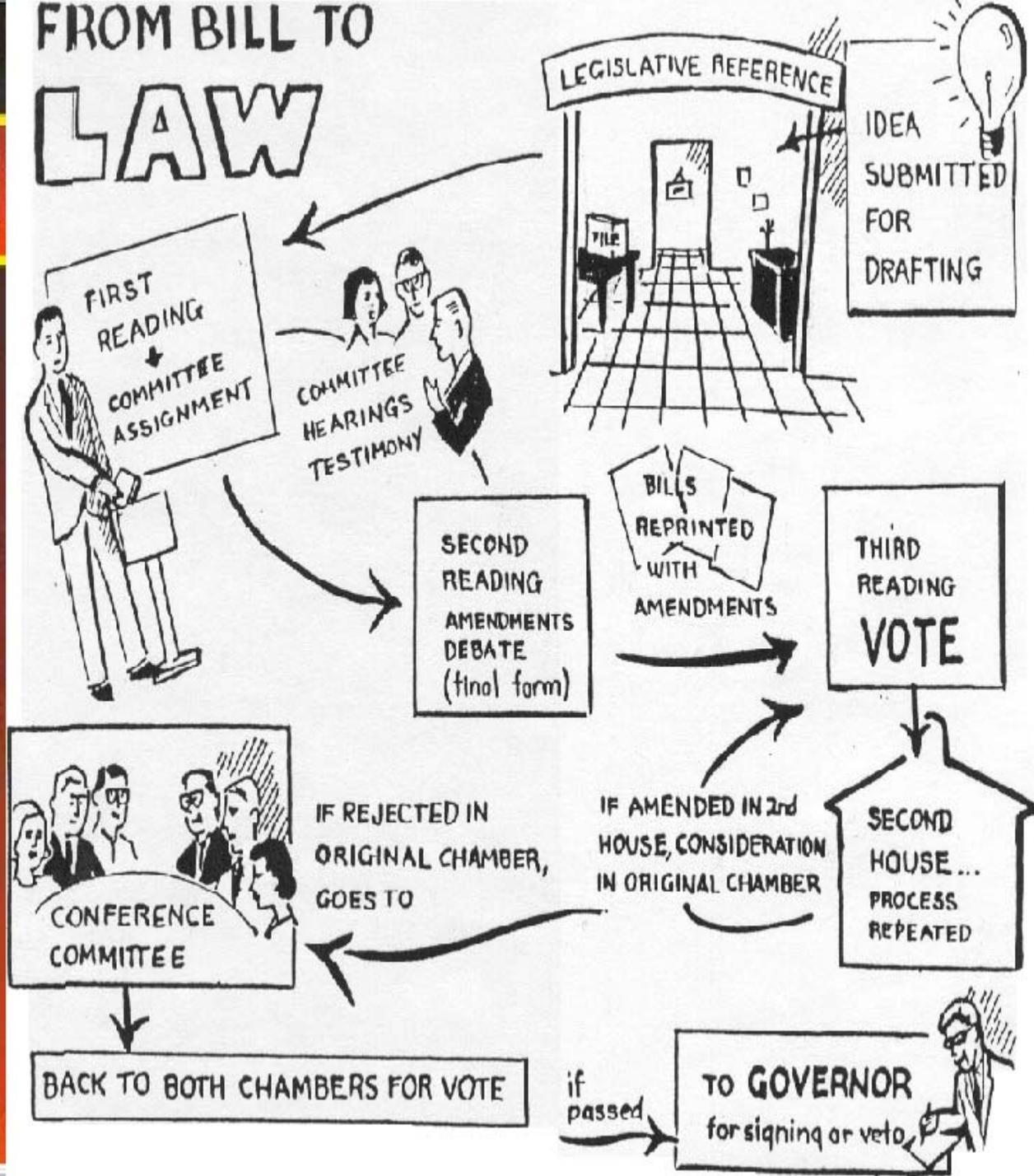
25<sup>th</sup> ANNIVERSARY COLLECTION

AMERICA ROCK

Disney  
presents

SCHOOL  
HOUSE  
ROCK!

# FROM BILL TO LAW



# REQUIRED READING:

## Legislative Drafting Manual 2005

### INTRODUCTION

#### I. The Law and the Power of the General Assembly

##### 1. The Law and Where It Is Found

##### 2. Power of the General Assembly to Legislate

#### II. The Legislative Process (How a Bill Becomes Law)

##### 1. In General

##### 2. House of Origin

##### 3. Opposite House

#### III. Overview of the Bill Drafting Process

##### 1. Bill Requests

##### 2. The Bill Drafting Process - In General

##### 3. Bill Preparation

###### (A) Online Drafting

###### (B) Cut and Paste: Drafting the "Old-Fashioned Way"

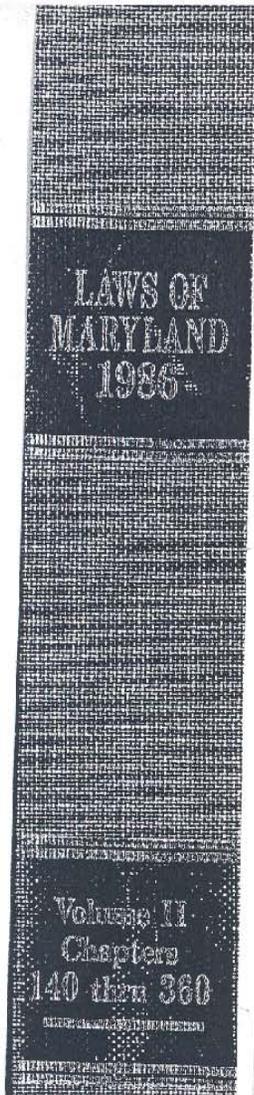
###### (C) Review of Draft



## G. “Sources” Within Legislative Process

- Laws of Maryland:

1. Purpose clause
2. Bill Number
3. Preamble (sometimes)
4. Statute’s text (as amended)
5. Governor’s name & date signed



CHAPTER 288

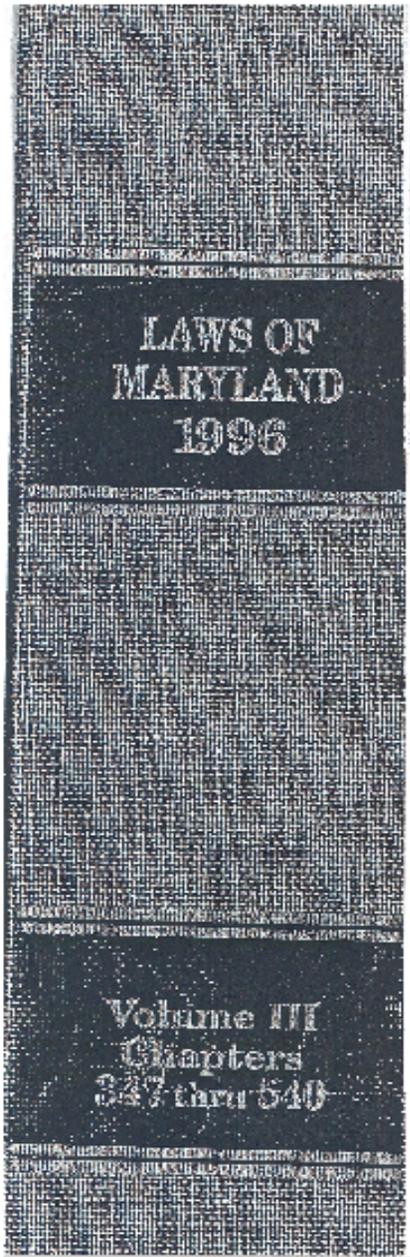
(House Bill 110)

AN ACT concerning

Vehicle Laws - Mandatory Seat Belt Usage

FOR the purpose of providing that, unless each occupant certain occupants of an outboard front seat of certain motor vehicles ~~is~~ are restrained by a seat belt, a person may not operate the motor vehicle; defining certain terms; providing that a person who is at least a certain age may not be a passenger in an outboard front seat of a motor vehicle unless the person is restrained by a seat belt; providing certain exceptions to this Act; ~~providing that a violation of this Act is not evidence of contributory negligence but may be admitted as evidence in a trial of a civil action for a certain purpose;~~ providing that a violation of this Act is not considered a moving violation for the purpose of assessment of points against a driver's license of an individual; establishing that failure of an individual to use a seat belt in violation of this Act may not be considered evidence of negligence or contributory negligence, limit certain liability, or diminish recovery for certain damages in a civil action for damages; prohibiting certain persons from making reference to a seat belt during certain trials; clarifying language; requiring a court to order separate trials for joint tort-feasors or defendants in a civil action under certain circumstances; providing that a police officer may enforce the provisions of this Act only under certain circumstances; providing that the Motor Vehicle Administration and the Maryland State Police shall establish certain prevention and education programs; providing that the Administration shall include certain information in the annual evaluation report on this

PURPOSE CLAUSE



CHAPTER 360

(Senate Bill 45)

AN ACT concerning

**Homicide – Prosecution – “Year and a Day” Rule Abolished**

FOR the purpose of abolishing the common-law rule of “year and a day”; *by* allowing a prosecution for murder or manslaughter to be instituted regardless of the time elapsed between the infliction of the fatal injury *act or omission causing the death of the victim* and the death of the victim; ~~requiring the State to prove, by a certain standard, that the death of the victim resulted from the injury inflicted by the accused;~~ providing for the application of this Act; and generally relating to the prosecution of homicides.

**Preamble**

~~WHEREAS, Under the current law, the common-law rule of “year and a day” bars prosecution for murder or manslaughter unless the victim dies within a year and day from the time the fatal injury was inflicted; and~~

~~WHEREAS, The conception of the “year and a day” rule may be traced back to medieval times when the deficiencies of medical science often made it extremely difficult to prove the cause of death whenever a considerable lapse of time intervened between the mortal act or omission and the death itself; and~~

~~WHEREAS, This 700-year-old common-law rule is now outdated, and in light of medical advances in lifesaving techniques and the improvements in forensics technology, there is no sound reason for retaining the rule today; and~~

~~WHEREAS, The State of Maryland is one of only three remaining jurisdictions in the United States that has not yet abolished the rule and of these remaining jurisdictions, is the only one that has not yet addressed the common-law rule of “year and a day” by statute; and~~

~~WHEREAS, The Court of Appeals of Maryland held in *State v. Minster*, 302 Md. 240 (1985), and *State v. Brown*, 21 Md. App. 91 (1974), that any change to the common law “year and a day” rule should be made by the General Assembly; now, therefore,~~

AN ACT concerning

**Public Service Companies - Holding Companies**

FOR the purpose of exempting the formation of certain holding companies by public service companies in a certain manner from certain restrictions on the holding and acquisition of stock of and by public service companies; and making this an emergency measure.

BY repealing and reenacting, with amendments,

Article - Public Utility Companies

Section 6-101(c)

Annotated Code of Maryland

(1998 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Public Utility Companies**

6-101.

(c) (1) THIS SUBSECTION DOES NOT APPLY TO THE FORMATION OF A HOLDING COMPANY BY A PUBLIC SERVICE COMPANY IN A CORPORATE REORGANIZATION THAT INVOLVES AN EXCHANGE OF STOCK OF THE PUBLIC SERVICE COMPANY FOR STOCK IN THE HOLDING COMPANY.

~~[(1)]~~(2) In this subsection, a company controlling a public service company is deemed a public service company of the same class as the controlled public service company.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

**[Brackets]** indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.

LAWS OF  
MARYLAND  
1999

Volume I  
Chapters  
1-54



## G. SOURCES WITHIN THE LEGISLATIVE PROCESS:

- *MD HOUSE & SENATE JOURNALS:*

1. VOTES ON BILLS

2. CHRONOLOGY OF BILLS PROGRESS

3. INDEX OF ALL BILLS FOR SESSION  
(PASSED & FAILED)

4. NO TRANSCRIBED DEBATES



## G. SOURCES WITHIN THE LEGISLATIVE PROCESS

- *Standing Committee Bill Files (1976-date):*

1. NATURE/WORK OF STANDING COMMITTEES

2. MANAGEMENT/FILMING OF FILES

3. SUBSCRIBERS TO FILES

4. ACCESS POINTS INTO FILES



- **Typical Content of Bill Files:**

1. BILL DRAFTERS NOTES
2. FISCAL NOTES & ANALYSIS
3. FULL TEXT – VARIOUS AMENDED VERSIONS OF BILLS
4. COMMITTEE HEARING BY-PRODUCTS
5. TASK FORCE REPORTS
6. SELECT COMMITTEE BILL ANALYSIS/FLOOR REPORTS (1982-2001)
7. ATTORNEY GENERAL REVIEW LETTERS
8. BILLS FROM EARLIER SESSIONS

Maryland General Assembly

2003 Session

**FISCAL AND POLICY NOTE****Revised**

Senate Bill 466

(Senator Colburn)

Education, Health, and Environmental Affairs

Judiciary

---

**Juvenile Law - Prohibition Against Possession of Portable Pagers on School Property - Repeal**

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This bill repeals the prohibition on the possession of portable pagers on public school property in Baltimore City and Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester counties. The bill declares that it is the intent of the General Assembly that local school systems work with the Maryland State Department of Education to develop their own policies regarding the use of portable pagers and cellular telephones on school property.

---

**Fiscal Summary**

**State Effect:** Any decrease in State law enforcement activities and District Court cases would not materially affect State finances.

**Local Effect:** Any decrease in local law enforcement activities and circuit court cases would not materially affect local finances. Local school systems could establish new rules for the possession of portable pagers and cellular telephones on public school property with existing resources.

**Small Business Effect:** Minimal.

---

**Analysis**

**Current Law:** It is a crime for an individual to possess a portable pager on school property in Baltimore City and Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester counties. Persons convicted of this offense are guilty of a misdemeanor and may be fined up to \$2,500 or imprisoned for up to six months, or both. Specified individuals, including school staff and authorized visitors, are exempt from the prohibition.



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Statement of the

Professional Insurance Agents Association of

Pennsylvania, Maryland and Delaware, Inc.

Regarding: Mandatory Seat Belt Legislation

Bryson F. Popham, Esquire

---

February 5, 1986

BACKGROUND PAPER ON  
REQUIRING DRIVERS AND PASSENGERS  
IN CERTAIN MOTOR VEHICLES TO  
WEAR SAFETY BELTS

Jointly Prepared by the  
Maryland Department of Transportation and  
Maryland State Police,  
Department of Public Safety & Correctional Services

H.B. 110-86

January, 1986



GENERAL ASSEMBLY OF MARYLAND  
COMMITTEE REPORT SYSTEM  
**BILL ANALYSIS**

Senate Judicial Proceedings Committee

PREPARED BY THE MARYLAND DEPARTMENT OF LEGISLATIVE REFERENCE - 1986

HOUSE BILL 110

VEHICLE LAWS - MANDATORY SEAT BELT USAGE

SPONSOR:

Delegates Alperstein, Morella, Cardin, Hollinger, Levin, Cummings, Hagner, Adams, Perkins, Buswell, Garrott, McCaffrey, Donaldson, Kirchenbauer, Boergers, Counihan, and Muth

CAPSULE SUMMARY:

The bill prohibits a person from operating a Class A (passenger) or Class M (multipurpose) vehicle unless the person and each occupant of an outboard front seat under age 16 is restrained by a seat belt. A person who is not so restrained may be punished by a fine of not more than \$25, including court costs. This bill provides a medical exception.

A violation of the bill is not a moving violation and a police officer may enforce the bill only as a secondary measure. A failure to use a seat belt may not be considered negligence or diminish a recovery for damages. The bill establishes procedures to be followed during a trial of a civil action arising out of the design, manufacture or installation of seat belts.



## G. SOURCES WITHIN THE LEGISLATIVE PROCESS:

- AUDIOCASSETTE RECORDINGS OF SENATE FLOOR DEBATES/HEARINGS (1992-DATE)
  - AVAILABLE AT THE DEPARTMENT OF LEGISLATIVE REFERENCE SERVICES



## H. SOURCES OUTSIDE THE LEGISLATIVE PROCESS:

1. GOVERNOR'S LEGISLATIVE PAPERS  
(AT STATE ARCHIVES)
2. VETO MESSAGES (LAWS OF MARYLAND)
3. LEGISLATIVE COUNCIL REPORTS  
(1939-1975)
4. STUDY COMMISSION/TASK FORCE REPORTS  
(1972-DATE)
5. CODE REVISION/REVISOR OF STATUTE REPORTS  
(1972-DATE)
6. APPELLATE COURT REPORTS/BRIEFS
7. MARYLAND A.G. OPINIONS
8. PROFESSIONAL/TRADE ASSN. PUBLICATIONS



GOVERNOR'S  
COMMISSION  
ON  
WORKMEN'S  
COMPENSATION  
LAWS  
—  
MINUTES  
&  
PUBLIC HEARINGS

RUDOLPH P. LAMONE,  
CHAIR

VOL 1  
1981-1982

MD  
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981

GOVERNOR'S  
COMMISSION  
TO STUDY  
SOVEREIGN  
IMMUNITY  
REPORT

1976

MD.  
Y 3.  
So 73:  
2/R/  
976

GOVERNOR'S COMMISSION ON DOMESTIC RELATIONS LAWS

REPORTS

B. A. GRONER, CHAIR

1978-83

TASK  
FORCE  
TO  
STUDY  
REVISION  
OF  
INHERITANCE  
AND  
ESTATE  
TAXS  
LAWS

MISC.  
DOCUMENTS

REPORT

1987

MD Y3  
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1987

THE  
REPORT  
OF THE  
GOVERNOR'S  
COMMISSION  
ON THE  
DEATH  
PENALTY

BAIR, CHAIR

1993

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1993



COMMISSION  
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REVISE  
THE  
ANNOTATED  
CODE  
OF  
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REPORTS

NATURAL  
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ART  
1972-73

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COMMISSION  
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ANNOTATED  
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1972-73

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ANNOTATED  
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1985-89

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/985-  
989

GOVERNOR'S COMMISSION TO REVISE THE ANNOTATED CODE OF MD.

REVISOR'S MANUAL

2ND ED. 1973



**Cite as: 85 Opinions of the Attorney General (2000)**

**[Opinion No. 00-018 (July 31, 2000)]**

**VEHICLE LAWS - TAXICAB DRIVERS NOT REQUIRED TO  
WEAR SEAT BELTS**

**July 31, 2000**

*The Honorable Clarence M. Mitchell, IV*  
*Maryland State Senate*

You have requested our opinion on whether the Maryland Vehicle Law prohibits a person from driving a taxicab while not wearing a seat belt.

We conclude that, although automobile manufacturers have included seat belts in passenger vehicles, including taxicabs, for more than 30 years, State law requiring the use of seat belts does not extend to the driver of a taxicab.

**I**

**Background**

We start with a brief review of the State and federal laws that require installation and use of seat belts in motor vehicles, and their application to taxicabs .1

***A. Taxicabs***

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## **H. EXTERNAL SOURCES (CONT'D):**

9. EXECUTIVE, LEGISLATIVE, JUDICIAL BRANCH REPORTS
10. LEGISLATIVE HISTORIES-FEDERAL/OUT-OF-STATE
11. UNIFORM LAWS ANNOTATED & COMMISSIONERS PROCEEDINGS
12. NEWSPAPER/JOURNAL ARTICLES
13. DEBATES/PROCEEDINGS MARYLAND CONSTITUTIONAL CONVENTIONS
14. MARYLAND LEGAL TREATISE CLASSICS



→ In Re Jason W., 378 Md. 596, 607 (2003)

**CONCUR:** Concurring Opinion by **Harrell, J.**, in which Raker and Battaglia, JJ. join I concur in the Court's opinion and judgment. I write separately to comment on the appropriateness of relying on **newspaper** articles as sources for divining legislative intent. (See slip op. at 6 n.3, and 8). Generally, it is unwise for courts to rely on the fruit of the Fourth Estate n1 in such endeavors. As apparent justification for recourse to such in the present case, Judge Wilner notes that, at the time of the enactment of the 1970 law, "the Maryland legislature had not yet begun [regularly] to preserve committee files or to require written committee reports, so there is no official legislative history" of the 1970 version of the statute at issue here. For that reason, the present situation may well be one of the rare occasions when it is appropriate for a court to consider, to some degree, relatively contemporaneous relevant **newspaper** articles in ascertaining the legislative intent of an enactment of comparable vintage. Nonetheless, even when appropriate to do so, the use of **newspaper** accounts should be approached with caution and selectivity.

→ Newspaper Articles as sources for divining legislative intent

# In-exact List of Sources Cited as Legislative Intent Authority by Maryland Appellate Courts:

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