



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone: 517/373-6466

SEAT BELTS FOR CHILDREN IN BACK SEAT

House Bill 4220 with committee amendment
First Analysis (2-22-89)

RECEIVED

APR 17 1989

Sponsor: Rep. James A. Kosteva
Committee: Transportation

Mich. State Law Library

THE APPARENT PROBLEM:

Over the last decade, most states enacted child restraint legislation. The legislation has been very helpful in curbing the number of traffic fatalities for small children. Now that states have had time to compile statistics on the effectiveness of the legislation, many are changing their laws to require seat belts for children up to their teens. Some people suggest similar legislation to keep Michigan up to date with the traffic safety trends sweeping the nation. Such legislation would be particularly appropriate, they say, now that the maximum speed on rural freeways has been increased to 65 mph.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to require that any child between the ages of four and 16, including children being transported by nonresident drivers, wear a properly adjusted and fastened seat belt in a vehicle. Further, the bill specifies that the act's provisions requiring the use of a child restraint system for children under age four would apply to a non-resident driver transporting a child in the state. The current exemption from the child restraint law for nursing children would also apply to the bill's seat belt requirement. The bill would add an exemption for vehicles transporting more children than there were safety belts available for use, as long as all available safety belts in the vehicle were being used.

MCL 257.710d and 257.710e

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal impact on the state. (2-21-89)

ARGUMENTS:

For:

Compulsory use of rear seat safety belts by children under age 16 is one of the single most effective methods of reducing car occupant fatalities to passengers in this age group, following use of front seat safety belts. Since there is generally less compartment destruction in the rear, estimates show that if seat belt use was 100 percent in rear seats, 75 percent of rear seat passengers currently suffering fatal injuries would survive. The bill would help curb traffic fatalities among young children and is needed in view of the recent increase in the maximum speed on rural freeways.

For:

An increase in the use of safety belts by adults will likely be an important side benefit of the bill. If children are forced to wear seat belts, parents and other adults may be prompted to follow the good example of children. For example, parents may feel very awkward, as well they should, when their children are all buckled up and they

have to explain to the children why they don't wear seat belts.

Against:

The bill should not exempt nursing children from the seat belt requirements. If a mother wants to nurse her child the driver should pull over to the side of the road. If a mother transports a nursing infant on her lap, she puts herself and her child into a dangerous position. A nursing mother is likely to crush her child against the dashboard because the force of her weight will be received by the child when both mother and child are propelled forward in a frontal accident. In addition, there have been many instances when nursing infants have been flung through windshields into the midsts of accidents when nursing.

Response: Although the situation created when mothers nurse their infants in a moving vehicle is dangerous, if the driver must pull over when the child nurses, the car's occupants may be put into an even more dangerous situation. For example, when a family visits relatives in another city and is driving home in the early evening, if they must drive along desolate areas or through bad neighborhoods they may not want to stop and allow the infant to nurse, fearing for their safety. The bill would allow drivers who operate vehicles with more children than there are seat belts to decide which child will not wear a seat belt and which child will. Thus nursing mothers should also be allowed to decide whether or not they want to stop and nurse.

Against:

The bill exempts all nursing children from the seat belt requirement, even though rare cases exist where children up to the ages of four and five may still be nursing. The bill should exempt only nursing infants from the restraint requirement.

Against:

Some view this bill as government intrusion in the personal lives of private citizens. They contend that it is not the duty of the government to legislate safety and that laws will not convince people to use safety devices. Indeed, they say that the decision to restrain oneself and one's children should be a matter of personal choice.

Response: Public safety is a widely accepted and necessary function of government. If government did not "intrude" upon our freedom to travel unfettered by traffic signs and speed limits, chaos would result. Traffic laws, occupational safety standards, and building codes all impose restrictions on individual freedom of action in the interest of protecting public health and safety. In fact, a number of laws, such as those requiring premarital blood tests and child immunizations are quite literally more intrusive than what the bill proposes. The bill would help protect those who are not mature enough to make an informed decision about restraints and who would suffer

H.B. 4220 (2-22-89)

OVER

from the negligence of their parents. Adults' rights do not include the right to endanger children, even their own.

POSITIONS:

The Department of State supports the bill. (2-21-89)

The Department of State Police supports the bill. (2-21-89)

The Motor Vehicle Manufacturers Association supports the bill. (2-21-89)

The Traffic Safety Association supports the bill. (2-21-89)

The Children's Hospital of Michigan supports the bill, but would like the exemption for nursing children to be deleted. (2-21-89)