



**House  
Legislative  
Analysis  
Section**

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### **THE APPARENT PROBLEM:**

While seat belt use is mandatory for children 4 to 16 years old in the front seat of a vehicle, back seat passengers are not covered by this requirement. (Children under four must be secured in a child restraint system, whether in the front or back seat.) According to the Department of State, traffic accidents are the major killer and crippler of children up to 16 years of age, and if seat belt use in rear seats were 100 percent, the department estimates that 75 percent of those rear-seat passengers who are killed would survive. Other research indicates that widespread use of rear-seat safety belts would lower by six percent the number of front-seat passengers killed by rear-seat passengers thrown forward in a crash. As it seems clear from evidence that seat belt use in both the front and rear seats can save lives and lower the serious injury rate, some people feel that back-seat safety belt use among children should be mandatory. Further, as all 50 states now have child restraint laws and over 95 percent of the pickup trucks registered in Michigan are equipped with seat belts, some feel that exemptions from the seat belt law for nonresidents and trucks should be removed from law.

### **THE CONTENT OF THE BILL:**

The bill would amend the Vehicle Code to require the driver of a vehicle to secure, in a properly adjusted and fastened seat belt, all children at least four but less than 16 years old. 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, and to a driver transporting children in a truck. (The bill would retain the exemption for other specific vehicles, such as buses and taxies, and vehicles exempt under federal law.) Finally, the bill provides that the requirements to secure children at least four but less than 16 years old would not apply if, within a vehicle, there were more children than available safety belts and all the belts in the vehicle were in use.

MCL 257.710d and 257.710e

### **FISCAL IMPLICATIONS:**

According to the Senate Fiscal Agency, the bill would have an indeterminate fiscal impact on the state and local governmental units. Enforcement costs and fines collected as a result of the bill would depend on the level of enforcement and the number of convictions. (4-23-90)

### **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,

## **SEAT BELTS FOR CHILDREN IN BACK SEAT RECEIVED**

House Bill 4220 as enrolled  
Second Analysis (7-30-90)

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Sponsor: Rep. James A. Kosteva  
House Committee: Transportation Mich. State Law Library  
Senate Committee: Government Operations

estimates show that if seat belt use were 100 percent in rear seats, 75 percent of rear seat passengers currently suffering fatal injuries would survive. Expanding the scope of the seat belt law has the support of a large number of people in medicine, highway safety research, law enforcement, insurance, auto manufacturing, and government. Support of the measure is strengthened by evidence showing that mandatory seat belt laws produce a significant and lasting increase in the use of seat belts, even when enforcement is relaxed. And requiring seat belt use could, in the long run, encourage better driving habits as children might grow up with the idea that wearing a seat belt is simply an essential part of riding in an automobile.

#### **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.

**Response:** Why not require mandatory use of seat belts by everyone in a vehicle, rather than merely expecting the bill to have an indirect influence on adults? It seems hypocritical to require children to wear belts in the back seat while allowing adults to opt not to buckle up in the back seat. Besides, many other states and provinces require use of seat belts by the driver and all passengers.

#### **Against:**

The bill would guarantee the expansion of a bad idea. The mandatory seat belt law is nothing more than government intrusion into the civil rights of its citizens. By removing from an individual the right to choose his own risk, her own style of living, the state is essentially substituting its own judgment for that of the individual. Arguing that such laws help to reduce the overall financial burden to society overlooks the high price individuals pay in slowly eroding privacy rights. If the government is so insistent on protecting the public from itself, why not go even further by legislating what people should eat, or mandating that persons stop smoking or drinking, for instance?

**Response:** Driving is not a right but a privilege. For public safety's sake, a legal driver implicitly consents to the regulation of his or her driving by state and local governments. Those who believe civil liberties would be weakened by such a bill should consider the implications of their argument if taken to its logical conclusion: Why have traffic laws at all as they limit a person's freedom to choose what best serves his or her own immediate interests? Chaos would reign on the roads if the state followed such a policy. Besides, under the bill not wearing

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a seat belt, whether in the front or back seat of a vehicle, would continue to be a "secondary" offense (which means a police officer could only cite a driver who was believed to be violating another portion of law). The bill simply would encourage greater seat belt use by all of a vehicle's passengers, much as the current belt law has done, without pushing the state into an overly zealous stance on regulating seat belt use.

***Against:***

Seat belt use can produce injuries and cause deaths in accidents, primarily by trapping people in their vehicle. Further, there are many variables that contribute to the high number of deaths and injuries on state roadways; it is unfair to place so much blame for these on the lack of seat belt use. Today's smaller, gas-efficient cars, for instance, are less safe than those of the recent past.

***Response:*** General consensus among most traffic safety experts is that use of seat belts is almost never detrimental to a vehicle's occupants. The idea that people are better off being "thrown free" of their vehicle in a crash goes against most evidence found in the traffic safety and medical fields. A person belted in during a collision stands a much greater chance of staying conscious, of avoiding impact with the dashboard or windshield. It seems reasonable that persons who are conscious are at less risk of being trapped in a vehicle.