

HOUSE BILL No. 4220

February 16, 1989, Introduced by Reps. Kosteva, Hertel, Gubow, DeMars, Scott, Jaye, Hickner, Pitoniak, Crandall, Gire, Wallace, Hollister and Stallworth and referred to the Committee on Transportation.

A bill to amend sections 710d and 710e of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 710d as added by Act No. 117 of the Public Acts of 1981 and section 710e as added by Act No. 1 of the Public Acts of 1985, being sections 257.710d and 257.710e of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 710d and 710e of Act No. 300 of the
2 Public Acts of 1949, section 710d as added by Act No. 117 of the
3 Public Acts of 1981 and section 710e as added by Act No. 1 of the
4 Public Acts of 1985, being sections 257.710d and 257.710e of the
5 Michigan Compiled Laws, are amended to read as follows:

6 Sec. 710d. (1) Except as provided in this section, or as
7 otherwise provided by law, a rule promulgated pursuant to THE

1 ADMINISTRATIVE PROCEDURES ACT OF 1969, Act No. 306 of the Public
2 Acts of 1969, as amended, being sections 24.201 to ~~24.315~~
3 24.328 of the Michigan Compiled Laws, or federal regulation, each
4 driver transporting a child in a motor vehicle shall properly
5 secure each child in a child restraint system as follows:

6 (a) Any child less than 1 year of age in a child restraint
7 system which meets the standards prescribed in 49 C.F.R.
8 571.213, EXCEPT AS PROVIDED IN SUBSECTION (6).

9 (b) Any child 1 year of age or more but less than 4 years of
10 age, when transported in the front seat, in a child restraint
11 system which meets the standards prescribed in 49 C.F.R.
12 571.213, EXCEPT AS PROVIDED IN SUBSECTION (6).

13 (c) Any child 1 year of age or more but less than 4 years of
14 age, when transported in the rear seat, in a child restraint
15 system which meets the standards prescribed in 49 C.F.R.
16 571.213, unless the child is secured by a safety belt provided in
17 the motor vehicle, EXCEPT AS PROVIDED IN SUBSECTION (6).

18 (2) This section does not apply to ~~a nonresident driver~~
19 ~~transporting a child in this state or to~~ any child being
20 nursed.

21 (3) This section does not apply if the motor vehicle being
22 driven is a bus, school bus, taxicab, moped, motorcycle, or other
23 motor vehicle not required to be equipped with safety belts under
24 ~~section 710b or~~ federal law or regulations.

25 (4) A person who violates this section is responsible for a
26 civil infraction.

1 (5) Points shall not be assessed under section 320a for a
2 violation of this section. An abstract required under section
3 732 shall not be submitted to the secretary of state regarding a
4 violation of this section.

5 (6) The secretary of state may exempt by rules promulgated
6 pursuant to Act No. 306 of the Public Acts of 1969, as amended, a
7 class of children from the requirements of this section, if the
8 secretary of state determines that the use of the child restraint
9 system required under subsection (1) is impractical because of
10 physical unfitness, a medical problem, or body size. The secre-
11 tary of state may specify alternate means of protection for chil-
12 dren exempted under this subsection.

13 Sec. 710e. (1) This section shall not apply to a driver or
14 passenger of:

15 (a) A motor vehicle manufactured before January 1, 1965.

16 (b) A bus.

17 (c) A motorcycle.

18 (d) A moped.

19 (e) A motor vehicle if the driver or passenger possesses a
20 written verification from a physician that the driver or passen-
21 ger is unable to wear a safety belt for physical or medical
22 reasons.

23 (f) A motor vehicle which is not required to be equipped
24 with safety belts under federal law.

25 (g) A commercial or United States postal service vehicle
26 which makes frequent stops for the purpose of pickup or delivery
27 of goods or services.

1 (h) A motor vehicle operated by a rural carrier of the
2 United States postal service while serving his or her rural
3 postal route.

4 (2) This section shall not apply to a passenger of a school
5 bus.

6 (3) Each driver and front seat passenger of a motor vehicle
7 operated on a street or highway in this state shall wear a prop-
8 erly adjusted and fastened safety belt, except that a child less
9 than 4 years of age shall be protected as required in section
10 710d.

11 (4) Each driver of a motor vehicle transporting a child
12 4 years of age or more but less than 16 years of age ~~in the~~
13 ~~front seat of the motor vehicle~~ shall secure the child in a
14 properly adjusted and fastened safety belt.

15 (5) ~~(4)~~ Enforcement of this section by state or local law
16 enforcement agencies shall be accomplished only as a secondary
17 action when a driver of a motor vehicle has been detained for a
18 suspected violation of another section of this act.

19 (6) ~~(5)~~ Failure to wear a safety belt in violation of this
20 section may be considered evidence of negligence and may reduce
21 the recovery for damages arising out of the ownership, mainte-
22 nance, or operation of a motor vehicle. However, such negligence
23 shall not reduce the recovery for damages by more than 5%.

24 (7) ~~(6)~~ A person who violates this section is responsible
25 for a civil infraction.

26 (8) ~~(7)~~ Points shall not be assessed under section 320a
27 for a violation of this section.

1 (9). ~~(8)~~ This section shall not apply after April 1, 1989,
2 if, on that date or at any time thereafter, the United States
3 government requires the installation of passive passenger
4 restraints in new automobiles, whether that requirement is by
5 statute, administrative rule, court decision, or in any other
6 way.