

# SENATE BILL No. 173

February 23, 1989, Introduced by Senators CRUCE, DE GROW, SCHWARZ, MACK, FAUST, CONROY, J. HART, DILLINGHAM, GAST, GEAKE, EHLERS and POLLACK and referred to the Committee on Government Operations.

A bill to amend section 710e of Act No. 300 of the Public Acts of 1949, entitled as amended  
"Michigan vehicle code,"  
as added by Act No. 1 of the Public Acts of 1985, being section 257.710e of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 710e of Act No. 300 of the Public Acts  
2 of 1949, as added by Act No. 1 of the Public Acts of 1985, being  
3 section 257.710e of the Michigan Compiled Laws, is amended to  
4 read as follows:

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

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

8       (b) A bus.

1 (c) A motorcycle.

2 (d) A moped.

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

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

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

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

15 (2) This section shall not apply to a passenger of a school  
16 bus.

17 (3) Each driver and front seat passenger of a motor vehicle  
18 operated on a street or highway in this state shall wear a prop-  
19 erly adjusted and fastened safety belt, except that a child less  
20 than 4 years of age shall be protected as required in section  
21 710d. Each driver of a motor vehicle transporting a child  
22 4 years of age or more but less than 16 years of age in the front  
23 seat of the motor vehicle shall secure the child in a properly  
24 adjusted and fastened safety belt.

25 ~~(4) Enforcement of this section by state or local law~~  
26 ~~enforcement agencies shall be accomplished only as a secondary~~

1 ~~action when a driver of a motor vehicle has been detained for a~~  
2 ~~suspected violation of another section of this act.~~

3 (4) ~~-(5)-~~ Failure to wear a safety belt in violation of this  
4 section may be considered evidence of negligence and may reduce  
5 the recovery for damages arising out of the ownership, mainte-  
6 nance, or operation of a motor vehicle. However, such negligence  
7 shall not reduce the recovery for damages by more than 5%.

8 (5) ~~-(6)-~~ A person who violates this section is responsible  
9 for a civil infraction.

10 (6) ~~-(7)-~~ Points shall not be assessed under section 320a  
11 for a violation of this section.

12 ~~-(8)- This section shall not apply after April 1, 1989, if,~~  
13 ~~on that date or at any time thereafter, the United States govern-~~  
14 ~~ment requires the installation of passive passenger restraints in~~  
15 ~~new automobiles, whether that requirement is by statute, adminis-~~  
16 ~~trative rule, court decision, or in any other way.~~