



**House
Legislative
Analysis
Section**

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RESTRICT UNDER 18 FROM BACK OF PICKUPS

House Bill 4759 with committee amendments
First Analysis (6-8-88)

RECEIVED

Sponsor: Rep. David Honigman
Committee: Transportation

JUL 15 1988

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THE APPARENT PROBLEM:

Contrary to what many may believe, Michigan does not have a law prohibiting the dangerous practice of riding on the outside of a vehicle, such as on the hood or in the open cargo area of a pickup truck. When such elementary rules of safety are disregarded, tragedy can result, as it has in several areas where children have been killed or hospitalized after falling out of the back of pickup trucks which hit large bumps in the roads, or rounded a sharp corner. The National Transportation Safety Board has reported that nationwide some 250 fatalities occur each year through accidents of this type. A concern for safety has prompted many to call for amendments to the vehicle code to prohibit passengers from riding where they should not.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code by prohibiting persons eighteen years old or younger from riding on the outside of a motor vehicle operated on a road, highway, or street. The term "outside of a motor vehicle" would include fenders, hoods, and bumpers of motor vehicles but not the open bed or open cargo area of a motor vehicle when the rider in the bed or cargo area was engaged in the performance of his or her job. In addition, the bill would restrict people under eighteen from riding in the open bed of a pickup on a road, highway, or street unless the rider was occupying a seat secured to the pickup truck and was secured by a seat belt, or the rider in the bed was engaged in the performance of his or her job. The bill would exempt operators, drivers, and passengers of motorcycles or mopeds, motor vehicles operated as part of a parade, military, police, or fire fighting motor vehicles, implements of husbandry, or of pickup trucks used in agricultural or horticultural operations when those persons were engaged in the performance of their job.

Violation of the bill would constitute a civil infraction. However, if a person received a civil infraction citation for violation of the bill but supplied the court with written evidence that the motor vehicle was being operated in the performance of the rider's employment before the appearance date of the citation, the court would waive any civil fine and costs.

MCL 257.907

FISCAL IMPLICATIONS:

According to the Department of State Police, the bill would have no fiscal implications for the state. (6-8-88)

ARGUMENTS:

For:

By restricting persons under 18 from riding in the open areas of vehicles, the bill would promote highway safety

while recognizing the special needs of various employment activities, and the rights of persons to conduct certain activities on private property without undue interference from the state. The bill would not represent unwarranted protectionism, but rather a legitimate restriction on activities which endanger children and other drivers.

Against:

Many families consider taking a drive to be an inexpensive way to entertain themselves, especially during times of economic hardship. It is not fair to prohibit families who may own pickup trucks from enjoying the simple pleasure of taking a family drive.

Response: The bill does not prohibit a family from taking a Sunday drive; it would simply require people to drive safely. An accident resulting in the death of a child would not be entertaining on a family outing.

POSITIONS:

The Department of State Police supports the bill. (6-8-88)

H.B. 4759 (6-8-88)