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BILL ANALYSIS

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Senate Bill 1041 (as introduced 2-8-06)  
Sponsor: Senator Patricia L. Birkholz  
Committee: Transportation

Date Completed: 2-21-06

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to do the following:**

- Provide that certain safety belt and restraint requirements would not apply to a person who was unable to wear a child restraint system.**
- Allow children under 13 to sit in the front seat only under specific circumstances, and establish additional restraint and seating conditions for children younger than 16.**
- Eliminate provisions under which a driver is in compliance with safety belt requirements if there are more passengers in a motor vehicle than there are safety belts available for use.**

Section 710e contains safety belt requirements for drivers, front seat passengers, and children age four through 15. The Section does not apply to a driver or passenger of a motor vehicle if he or she possesses a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons. Under the bill, Section 710e also would not apply to a person who had a physician's written verification that he or she could not wear a child restraint system.

Under Section 710e, each driver and front seat passenger of a motor vehicle must wear a safety belt. If there are more passengers than safety belts available for use, and all safety belts in the vehicle are being used in compliance with this requirement, then the driver is in compliance with the requirement. The bill would delete this provision.

The bill would delete the provisions of Section 710e prescribing restraint requirements for children under 16. Currently, a driver transporting a child at least four years old but under 16 must secure the child in a properly adjusted and fastened safety belt. If the vehicle is transporting more children than there are safety belts available for use, all safety belts available in the vehicle are being used in compliance with Section 710e, and each driver and front seat passenger is wearing a properly adjusted and fastened safety belt, then the driver is in compliance with this requirement if a child age four or more but under 16 is seated in other than the front seat. If the vehicle is a pickup truck without an extended cab or jump seats, and all front seat safety belts are being used, the driver may transport a child in the front seat without a safety belt.

Under the bill, a driver could permit a child who was 12 or younger to sit in the front seat only if any of the following conditions applied:

- The vehicle lacked a rear seat.

- The rear seats were side-facing jump seats or rear-facing seats.
- The child restraint system appropriate to the age and weight of the child could not be installed properly in the rear seat.
- All rear seat positions were occupied by children younger than 12.
- The driver had written medical verification from a physician that the child was unable to ride in a rear seat.
- The child was restrained properly as described below.

Except as otherwise provided above, a driver would have to require that each passenger be restrained and seated properly as follows:

- A child over 12 but under 16 would have to be secured in a properly adjusted and fastened safety belt and could be seated in either the front or a rear seat.
- A child between the ages of eight and 12 would have to be seated in a rear seat and be properly restrained in either a safety belt or an age- and weight-appropriate child restraint system, according to the child restraint manufacturer and vehicle manufacturer's instructions.
- A child age four or more but under eight would have to be seated in a rear seat and be properly restrained in an age- and weight-appropriate child restraint system according to the child restraint manufacturer's and the vehicle manufacturer's instructions.
- A child younger than four would have to be seated in a rear seat and would have to be protected as required in Section 710d.

(Section 710d requires each driver transporting a child younger than four years old to secure the child properly in a child restraint system that meets the standards prescribed under the Code of Federal Regulations (49 CFR 571.213).)

MCL 257.710e

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

The bill could result in additional revenue to the State and local units of government. To the extent that there would be increased violations, the bill would result in additional fine revenue, courts costs, and Justice System Fund Assessments. Fine revenue from civil infractions under the Michigan Vehicle Code is allocated to public libraries. Fines resulting from citations for violations of corresponding local ordinances are shared between the local unit of government and the court funding unit.

Fiscal Analyst: Stephanie Yu

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.