

SENATE BILL No. 1041

February 8, 2006, Introduced by Senator BIRKHOLZ and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 710e. (1) This section does not apply to a driver or
2 passenger of any of the following:

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

4 (b) A bus.

5 (c) A motorcycle.

6 (d) A moped.

7 (e) A motor vehicle if the driver or passenger possesses a
8 written verification from a physician that the driver or passenger
9 is unable to wear a safety belt **OR CHILD RESTRAINT SYSTEM, AS**

1 **APPLICABLE**, for physical or medical reasons.

2 (f) A motor vehicle that is not required to be equipped with
3 safety belts under federal law.

4 (g) A commercial or United States postal service vehicle that
5 makes frequent stops for the purpose of pickup or delivery of goods
6 or services.

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

9 (2) This section does not apply to a passenger of a school
10 bus.

11 (3) ~~Each~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5),**
12 **EACH** driver and front seat passenger of a motor vehicle operated on
13 a street or highway in this state shall wear a properly adjusted
14 and fastened safety belt. ~~—, except that a child less than 4 years~~
15 ~~of age shall be protected as required in section 710d. If there are~~
16 ~~more passengers than safety belts available for use, and all safety~~
17 ~~belts in the motor vehicle are being utilized in compliance with~~
18 ~~this section, the driver of the motor vehicle is in compliance with~~
19 ~~this section.~~

20 ~~— (4) Each driver of a motor vehicle transporting a child 4~~
21 ~~years of age or more but less than 16 years of age in a motor~~
22 ~~vehicle shall secure the child in a properly adjusted and fastened~~
23 ~~safety belt. If the motor vehicle is transporting more children~~
24 ~~than there are safety belts available for use, all safety belts~~
25 ~~available in the motor vehicle are being utilized in compliance~~
26 ~~with this section, and the driver and all front seat passengers~~
27 ~~comply with subsection (3), then the driver of a motor vehicle~~

1 ~~transporting a child 4 years of age or more but less than 16 years~~
2 ~~of age for which there is not an available safety belt is in~~
3 ~~compliance with this subsection, if that child is seated in other~~
4 ~~than the front seat of the motor vehicle. However, if that motor~~
5 ~~vehicle is a pickup truck without an extended cab or jump seats,~~
6 ~~and all safety belts in the front seat are being used, the driver~~
7 ~~may transport such a child in the front seat without a safety belt.~~

8 (4) THE DRIVER OF A MOTOR VEHICLE OPERATED ON A STREET OR
9 HIGHWAY IN THIS STATE SHALL ONLY PERMIT A CHILD WHO IS 12 YEARS OF
10 AGE OR LESS TO BE SEATED IN THE FRONT SEAT OF THE MOTOR VEHICLE IF
11 ANY OF THE FOLLOWING CONDITIONS APPLY:

12 (A) THE MOTOR VEHICLE LACKS A REAR SEAT.

13 (B) THE REAR SEATS ARE SIDE-FACING JUMP SEATS OR REAR-FACING
14 SEATS.

15 (C) THE CHILD RESTRAINT SYSTEM APPROPRIATE TO THE AGE AND
16 WEIGHT OF THE CHILD CANNOT BE INSTALLED PROPERLY IN THE REAR SEAT.

17 (D) ALL REAR SEAT POSITIONS ARE OCCUPIED BY CHILDREN LESS THAN
18 12 YEARS OF AGE.

19 (E) THE DRIVER POSSESSES WRITTEN MEDICAL VERIFICATION FROM A
20 PHYSICIAN THAT THE CHILD IS UNABLE TO RIDE IN A REAR SEAT.

21 (F) THE CHILD IS PROPERLY RESTRAINED AS PROVIDED IN SUBSECTION
22 (5).

23 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), THE DRIVER
24 OF A MOTOR VEHICLE OPERATED ON A STREET OR HIGHWAY IN THIS STATE
25 SHALL REQUIRE THAT EACH PASSENGER IN THE VEHICLE BE PROPERLY
26 RESTRAINED AND SEATED AS FOLLOWS:

27 (A) A CHILD OVER 12 YEARS OF AGE BUT LESS THAN 16 YEARS OF AGE

1 SHALL BE SECURED IN A PROPERLY ADJUSTED AND FASTENED SAFETY BELT
2 AND MAY BE SEATED IN EITHER THE FRONT OR A REAR SEAT.

3 (B) A CHILD NOT LESS THAN 8 YEARS OF AGE BUT NOT MORE THAN 12
4 YEARS OF AGE SHALL BE SEATED IN A REAR SEAT OF THE VEHICLE AND
5 SHALL BE PROPERLY RESTRAINED IN EITHER A SAFETY BELT OR IN AN AGE-
6 AND WEIGHT-APPROPRIATE CHILD RESTRAINT SYSTEM ACCORDING TO THE
7 CHILD RESTRAINT MANUFACTURER AND VEHICLE MANUFACTURER'S
8 INSTRUCTIONS.

9 (C) A CHILD NOT LESS THAN 4 YEARS OF AGE BUT NOT MORE THAN 8
10 YEARS OF AGE SHALL BE SEATED IN A REAR SEAT OF THE VEHICLE AND
11 SHALL BE PROPERLY RESTRAINED IN AN AGE- AND WEIGHT-APPROPRIATE
12 CHILD RESTRAINT SYSTEM ACCORDING TO THE CHILD RESTRAINT
13 MANUFACTURER'S AND VEHICLE MANUFACTURER'S INSTRUCTIONS.

14 (D) A CHILD LESS THAN 4 YEARS OF AGE SHALL BE SEATED IN A REAR
15 SEAT OF THE VEHICLE AND SHALL BE PROTECTED AS REQUIRED IN SECTION
16 710D.

17 (6) ~~—(5)—~~ If after December 31, 2005 the office of highway
18 safety planning certifies that there has been less than 80%
19 compliance with the safety belt requirements of this section during
20 the preceding year, then enforcement of this section by state or
21 local law enforcement agencies shall be accomplished only as a
22 secondary action when a driver of a motor vehicle has been detained
23 for a suspected violation of another section of this act.

24 (7) ~~—(6)—~~ Failure to wear a safety belt in violation of this
25 section may be considered evidence of negligence and may reduce the
26 recovery for damages arising out of the ownership, maintenance, or
27 operation of a motor vehicle. However, such negligence shall not

1 reduce the recovery for damages by more than 5%.

2 (8) ~~-(7)-~~ A person who violates this section is responsible
3 for a civil infraction.

4 (9) ~~-(8)-~~ A law enforcement agency shall conduct an
5 investigation for all reports of police harassment that result from
6 the enforcement of this section.

7 (10) ~~-(9)-~~ The secretary of state shall engage an independent
8 organization to conduct a 3-year study to determine the effect that
9 the primary enforcement of this section has on the number of
10 incidents of police harassment of drivers. The organization that
11 conducts the study shall submit a report to the legislature not
12 later than June 30, 2001 and an annual report not later than June
13 30 each year thereafter.

14 (11) ~~-(10)-~~ The secretary of state shall promote compliance
15 with the safety belt requirements of this section at the branch
16 offices and through any print or visual media determined
17 appropriate by the secretary of state.

18 (12) ~~-(11)-~~ The secretary of state shall conduct a study with
19 the cooperation and contribution of the directors of the department
20 of state police, the department of community health, the state
21 transportation department, and the insurance bureau to analyze the
22 monetary savings, if any, arising from the enactment of ~~the~~
23 ~~amendatory act that added this subsection- 1999 PA 29.~~ The
24 secretary of state shall report the findings of the study to all of
25 the following not later than May 1, 2000:

26 (a) The senate and house of representatives appropriations
27 committees.

1 (b) The senate and house of representatives fiscal agencies.

2 (13) ~~—(12)—~~ It is the intent of the legislature that the
3 enforcement of this section be conducted in a manner calculated to
4 save lives and not in a manner that results in the harassment of
5 the citizens of this state.

6 (14) ~~—(13)—~~ Points shall not be assessed under section 320a
7 for a violation of this section.