



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1089 (as passed by the Senate)
Sponsor: Senator Tom Casperson
Committee: Transportation

Date Completed: 11-16-16

RATIONALE

As of March 4, 2016, the Michigan Department of Transportation had scheduled 132 major road repair projects along State roads, freeways, and interstate highways to take place between June and November of the year. It is common knowledge that construction zones can be hazardous, especially to construction crews, due to abnormal driving conditions such as speed discrepancies or heavy traffic. Apparently, this danger is exacerbated by the shoulder harness that workers operating construction or repair vehicles must wear, because it restricts their freedom of movement and ability to see. Thus, some have suggested that the law should allow road construction or repair workers to operate a vehicle without wearing a shoulder harness.

CONTENT

The bill would amend the Michigan Vehicle Code to require the operator of a motor vehicle to wear a lap belt, but not a shoulder harness, if he or she were operating the vehicle for the purpose of performing road construction or maintenance in a work zone.

Section 710e of the Code requires each operator and front seat passenger of a motor vehicle operated on a street or highway in the State to wear a properly adjusted and fastened safety belt. However, the Code prescribes exceptions to that provision, as well as additional requirements, for different operators and passengers of a motor vehicle depending on varying circumstances. A person who violates Section 710e is responsible for a civil infraction. Section 710e does not apply to a passenger of a school bus, or an operator or passenger of any of the following:

- A motor vehicle manufactured before January 1, 1965.
- A bus, motorcycle, or moped.
- A motor vehicle if the operator or passenger possesses a written verification from a physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.
- A motor vehicle that is not required to be equipped with safety belts under Federal law.
- A commercial or United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.
- A motor vehicle operated by a rural carrier of the United States Postal Service while serving his or her rural postal route.

The bill would add a provision to Section 710e stating that the operator of a motor vehicle would have to wear a lap belt, but would not be required to wear a shoulder harness, if the operator were operating the vehicle for the purpose of performing road construction or maintenance in a work zone.

The bill would take effect 90 days after enactment.

MCL 257.710e

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Safety on any roadway is important, and it can be especially critical around a construction zone where workers usually operate vehicles at a slow speed compared to the speed of other drivers. This speed discrepancy can create dangerous conditions for both the construction workers and the motorists, especially on a freeway where the speeds can be drastically different. The shoulder harness that workers must wear while operating construction and repair vehicles limits their ability to see, through the restriction of movement. Although these vehicles are operated within the construction zone at a slow speed, there are times when the vehicles must exit a freeway or use an alternative route to relocate to a different road for construction purposes or other reasons. Under these circumstances, it is essential that the operator of the vehicle has the ability to view all of the traffic in his or her vicinity. The operation of these construction or maintenance vehicles requires a high level of situational awareness for the safety of both the worker and the public. The bill would ensure that the operator had that awareness, by removing a restriction on his or her movement.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local governments. It is unknown whether the provisions of the bill would increase or decrease the number of civil infractions charged. Any increase in revenue from civil infractions would be dedicated to public libraries. Conversely, a decrease in revenue would reduce revenue to public libraries.

Fiscal Analyst: Ryan Bergan

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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.