

## CHILD SAFETY RESTRAINT SYSTEMS

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<http://www.house.mi.gov/hfa>

**House Bill 4951 as reported from committee w/o amendment**  
**Sponsor: Rep. Laura Cox**

Analysis available at  
<http://www.legislature.mi.gov>

**Committee: Appropriations**  
**Complete to 12-6-2017**

### SUMMARY:

House Bill 4951 would amend the Michigan Vehicle Code to modify seating and positioning requirements for children 8 years old and under and to provide a waiver for civil infractions upon receiving training from a certified technician.

#### **Child Restraint System**

House Bill 4951 would modify Sections 710d and 710e of the Code to more closely align with current federal guidance issued by the National Highway Traffic Safety Administration. Under Section 710d, a driver transporting a child less than 4 years of age must properly secure that child in a child restraint system that meets federal standards. A child must be positioned in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all rear seats are filled by children, the child could be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger air bag is deactivated.

The bill would strike the "less than 4 years of age" language and require a child less than 8 years of age be seated and positioned as follows:

- In a rear-facing child seat, if the child weighs 30 pounds or less, or is less than 2 years of age.
- In a forward-facing child seat, if the child weighs 30 pounds or more but less than 50 pounds, or is 2 years of age or older but less than 5 years of age.
- In a booster seat, if the child is 57 inches tall or less and weighs 50 pounds or more, or is 5 years of age or older but less than 8 years of age.

These provisions would replace current requirements in Section 710e, which are based on a child's age and height in accordance with child restraint system manufacturers' and vehicle manufacturers' instructions and standards. (Generally, they apply to children less than 4 years of age and children between the ages of 4 and 8 who are under 4 feet 9 inches in height.)

#### **Eliminate Annual Report**

The bill would also remove from Section 710e a requirement that the Secretary of State engage an independent organization to conduct a study to determine the effect that the primary enforcement of the safety belt requirements has on the number of incidents of police harassment of motor vehicle operators. This requirement was added in 1999, when

the law was made subject to primary enforcement, and required a report be made to the Legislature in 2001 and an annual report thereafter. The report requirement was never funded, and no report was ever produced.

### **"Inappropriate Enforcement"**

Currently, the act requires law enforcement agencies to investigate all reports of "police harassment" related to seat belt and child safety restraint system enforcement. Also, the act provides legislative intent that enforcement not result in "harassment." The bill would replace the term "harassment" with "inappropriate enforcement."

### **Waiver of Fines and Training**

Under the act, the court can waive any civil fine, cost or assessment against a person who received a civil infraction citation for a violation if the person supplies the court with evidence of acquisition of a child seating system meeting the requirements of the Code. The bill would amend this provision to also require, for such a waiver, evidence that the person has received education from a certified child passenger safety technician.

The bill would take effect 180 days after being enacted into law.

MCL 257.710d et al.

### **FISCAL IMPACT:**

The bill would have no fiscal impact on the state or local governments.

The FY 2017-18 budget for the Department of Talent and Economic Development includes \$300,000 for a statewide child restraint safety program awareness campaign. In cooperation with the Michigan State Police - Office of Highway Safety Planning (OHSP), the funds will be used to raise awareness of the bill's requirements. The OHSP reports that it would utilize a variety of methods to publicize proper seat use. The target audience would include physicians, nurses, schools, child care centers, state and local agencies, the state's network of car seat educators, and other partners using mailings, social media, and other media.

### **POSITIONS:**

Representatives of the following organizations testified in support of the bill:

- University Of Michigan Department Of Pediatrics (11-8-17)
- Michigan State Police (11-8-17)
- Helen Devos Children's Hospital (11-8-17)

The following organizations support the bill:

- Michigan Council for Maternal and Child Health (11-8-17)
- AAA Michigan (11-8-17)
- Auto Alliance (11-8-17)
- Ford Motor Company (11-8-17)

- Fiat Chrysler Automobiles (11-8-17)
- The Cooperative for Safe Kids (11-8-17)
- Michigan Association of Health Plans (11-8-17)
- Michigan Academy of Pediatrics (11-8-17)
- General Motors (11-8-17)

Fiscal Analyst: Michael Cnossen

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.