



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4951 (Substitute H-1 as passed by the House)  
Sponsor: Representative Laura Cox  
House Committee: Appropriations  
Senate Committee: Families, Seniors and Human Services

Date Completed: 1-17-18

**CONTENT**

**The bill would amend the Michigan Vehicle Code to modify the requirements for a child restraint system used when transporting a child in a car, to account for the weight of a child less than eight years old.**

Except as otherwise provided, the Code requires each driver transporting a child less than four years old in a motor vehicle to properly secure that child in a child restraint system that meets the standards prescribed in the Code of Federal Regulations. A driver is required to position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children under four, then a child under four may 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 retain these requirements but delete the references to a child less than four years old. The bill also would require that a child be seated and positioned as follows:

- If the child weighed not more than 30 pounds or were less than two years old, in a rear-facing seat.
- If the child weighed between 30 and 49 pounds, or were at least two but less than five years old, in a forward-facing seat.
- If the child were 57 inches tall or shorter and weighed 50 pounds or more, or were at least five but less than eight years old, in a booster seat.

Currently, a child who is at least four but less than eight years old and who is under four feet nine inches tall must be properly secured in a child restraint system in accordance with the child restraint manufacturer's instructions and vehicle manufacturer's instructions and Federal regulations. The bill would delete this requirement.

Currently, a driver transporting a child who is at least four years old but younger than 16 must secure the child in a properly adjusted and fastened safety belt, except as otherwise provided. Under the bill, this would apply to a driver transporting a child who was at least eight years old but younger than 16.

Under the Code, a person who violates these requirements is responsible for a civil infraction.

The Code requires law enforcement agencies to investigate all reports of police harassment that result from the enforcement of the child safety restraint requirements. The Code also

states legislative intent that the enforcement of the child safety restraint requirements be conducted in a manner calculated to save lives and not in a manner that results in harassment. The bill would replace the term "harassment" with the phrase "inappropriate enforcement."

The Code required the Secretary of State to engage an independent organization to conduct a three-year study to determine the effect that the primary enforcement of the child safety restraint requirements had on the number of incidents of police harassment of drivers. The organization was required to submit a report to the Legislature by June 30, 2001, and is required to submit an annual report by June 30 each year. The bill would delete these requirements.

Under the Code, the court may waive any civil fine, cost, or assessment against a person who received a civil infraction citation for a violation of child safety restraint requirements if the person, before the appearance date of the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the child safety restraint requirements. The bill would require evidence only of acquisition, and also would require evidence that the person received education from a certified child passenger safety technician.

The bill would take effect 180 days after it was enacted.

MCL 257.710d et al.

### **BACKGROUND**

The National Highway Traffic Safety Administration recommends safety restraints for a child who weighs up to 80 pounds. Similarly, the American Academy of Pediatrics recommends that a child be placed in a rear-facing seat, a forward-facing seat, and then a booster seat until the child reaches the highest weight or height allowed by seat manufacturer for each seat.

Legislative Analyst: Nathan Leaman

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State or local government. Although, the bill would change the requirements regarding child restraints, the penalties for violations would remain unchanged. It is not likely that the changes would lead to a change in the number of violations.

Fiscal Analyst: Ryan Bergen

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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.