

HOUSE BILL NO. 4619

May 21, 2019, Introduced by Reps. Jones, Robinson, Brenda Carter, Haadsma, Coleman, Manoogian, Hood, Kennedy and Kuppa 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 2016 PA 460.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 710e. (1) This section does not apply to an operator 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.



1 (d) A moped.

2 (e) A motor vehicle if the operator or passenger possesses a
3 written verification from a physician that the operator or
4 passenger is unable to wear a safety belt for physical or medical
5 reasons.

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

8 (g) A commercial or United States Postal Service vehicle that
9 makes frequent stops for the purpose of pickup or delivery of goods
10 or services.

11 (h) A motor vehicle operated by a rural carrier of the United
12 States Postal Service while serving his or her rural postal route.

13 (2) This section does not apply to a passenger of a school
14 bus.

15 (3) Each operator and front seat passenger of a motor vehicle
16 operated on a street or highway in this state shall wear a properly
17 adjusted and fastened safety belt, ~~except as follows:~~

18 ~~(a) A **that a** child who is less than 4-11 years of age shall be~~
19 ~~protected as required in section 710d.~~

20 ~~(b) A child who is 4 years of age or older but less than 8~~
21 ~~years of age and who is less than 4 feet 9 inches in height shall~~
22 ~~be properly secured in a child restraint system in accordance with~~
23 ~~the child restraint manufacturer's and vehicle manufacturer's~~
24 ~~instructions and the standards prescribed in 49 CFR 571.213.~~

25 (4) If there are more passengers than safety belts available
26 for use, and all safety belts in the motor vehicle are being
27 utilized in compliance with this section, the operator of the motor
28 vehicle is in compliance with this section.

29 (5) Except as otherwise provided in ~~subsection (3)(b),~~ **section**



1 **710d**, each operator of a motor vehicle transporting a child ~~4-11~~
 2 years of age or older but less than 16 years of age in a motor
 3 vehicle shall secure the child in a properly adjusted and fastened
 4 safety belt and seated as required under this section. If the motor
 5 vehicle is transporting more children than there are safety belts
 6 available for use, all safety belts available in the motor vehicle
 7 are being utilized in compliance with this section, and the
 8 operator and all front seat passengers comply with subsection (3),
 9 the operator of a motor vehicle transporting a child ~~8-11~~ years of
 10 age or older but less than 16 years of age for which there is not
 11 an available safety belt is in compliance with this subsection if
 12 that child is seated in other than the front seat of the motor
 13 vehicle. However, if that motor vehicle is a pickup truck without
 14 an extended cab or jump seats, and all safety belts in the front
 15 seat are being used, the operator may transport the child in the
 16 front seat without a safety belt.

17 (6) The operator of a motor vehicle shall wear a lap belt, but
 18 is not required to wear a shoulder harness, if the operator is
 19 operating the vehicle for the purpose of performing road
 20 construction or maintenance in a work zone.

21 (7) If ~~after December 31, 2005~~ the office of highway safety
 22 planning certifies that there has been less than 80% compliance
 23 with the safety belt requirements of this section during the
 24 preceding year, enforcement of this section by state or local law
 25 enforcement agencies ~~shall~~ **must** be accomplished only as a secondary
 26 action when an operator of a motor vehicle has been detained for a
 27 suspected violation of another section of this act.

28 (8) Failure to wear a safety belt in violation of this section
 29 may be considered evidence of negligence and may reduce the



1 recovery for damages arising out of the ownership, maintenance, or
 2 operation of a motor vehicle. However, that negligence ~~shall~~**must**
 3 not reduce the recovery for damages by more than 5%.

4 (9) A person who violates this section is responsible for a
 5 civil infraction.

6 (10) A law enforcement agency shall conduct an investigation
 7 for all reports of ~~police harassment~~**inappropriate enforcement** that
 8 result from the enforcement of this section.

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

16 (11) ~~(12)~~ The secretary of state shall promote compliance with
 17 the safety belt requirements of this section at the branch offices
 18 and through any print or visual media determined appropriate by the
 19 secretary of state.

20 (12) ~~(13)~~ It is the intent of the legislature that the
 21 enforcement of this section be conducted in a manner calculated to
 22 save lives and not in a manner that results in the ~~harassment~~
 23 **inappropriate enforcement of this section against** the citizens of
 24 this state.

25 (13) ~~(14)~~ Points ~~shall~~**must** not be assessed under section 320a
 26 for a violation of this section.

27 Enacting section 1. This amendatory act takes effect 180 days
 28 after the date it is enacted into law.

29 Enacting section 2. This amendatory act does not take effect



1 unless all of the following bills of the 100th Legislature are
2 enacted into law:

3 (a) Senate Bill No. _____ or House Bill No. 4618 (request no.
4 02193'19).

5 (b) Senate Bill No. _____ or House Bill No. 4617 (request no.
6 03314'19).

