

HOUSE BILL No. 5395

December 11, 1991, Introduced by Reps. Hickner, Byrum, DeMars,
Joe Young, Sr. and Bandstra and referred to the Committee on Transportation.

A bill to amend section 710e of Act No. 300 of the Public
Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 25 of the Public Acts of 1991, being sec-
tion 257.710e of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 710e of Act No. 300 of the Public Acts
2 of 1949, as amended by Act No. 25 of the Public Acts of 1991,
3 being section 257.710e of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 710e. (1) This section shall not apply to a driver or
6 passenger of:

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

8 (b) A bus.

1 (c) A motorcycle.

2 (d) A moped.

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

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

9 (g) A commercial or United States postal service vehicle
10 which makes frequent stops for the purpose of pickup or delivery
11 of goods or services.

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

15 (2) This section shall not apply to a passenger of a school
16 bus.

17 (3) Each driver and front seat passenger of a motor vehicle
18 operated on a street or highway in this state shall wear a prop-
19 erly adjusted and fastened safety belt, except that a child less
20 than 4 years of age shall be protected as required in section
21 710d.

22 (4) Each driver of a motor vehicle transporting a child
23 4 years of age or ~~more~~ OLDER but less than 16 years of age in a
24 motor vehicle shall secure the child in a properly adjusted and
25 fastened safety belt. If the motor vehicle is transporting more
26 children than there are safety belts available for use, all
27 safety belts available in the motor vehicle are being utilized in

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

11 (5) ~~Enforcement~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUB-
12 SECTION, ENFORCEMENT of this section by state or local law
13 enforcement agencies shall be accomplished only as a secondary
14 action when a driver of a motor vehicle has been detained for a
15 suspected violation of another section of this act. HOWEVER,
16 ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW ENFORCEMENT
17 AGENCIES AGAINST A DRIVER OF A MOTOR VEHICLE WHO FAILS TO SECURE
18 A CHILD 4 YEARS OF AGE OR OLDER BUT LESS THAN 16 YEARS OF AGE IN
19 A PROPERLY ADJUSTED AND FASTENED SEAT BELT SHALL BE ACCOMPLISHED
20 AS A PRIMARY ACTION.

21 (6) Failure to wear a safety belt in violation of this sec-
22 tion may be considered evidence of negligence and may reduce the
23 recovery for damages arising out of the ownership, maintenance,
24 or operation of a motor vehicle. However, such negligence shall
25 not reduce the recovery for damages by more than 5%.

26 (7) A person who violates this section is responsible for a
27 civil infraction.

1 (8) Points shall not be assessed under section 320a for a
2 violation of this section.