

SENATE BILL No. 173

March 13, 1991, Introduced by Senators GEAKE, CISKY, HART, EMMONS, MC MANUS, EHLERS, CARL, PRIDNIA, CONROY and POLLACK and referred to the Committee on Transportation and Tourism.

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. 90 of the Public Acts of 1990, being section 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. 90 of the Public Acts of 1990,
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 but less than 16 years of age in a motor
24 vehicle shall secure the child in a properly adjusted and
25 fastened safety belt.

26 (5) Enforcement of this section by state or local law
27 enforcement agencies shall be accomplished only as a secondary

1 action when a driver of a motor vehicle has been detained for a
2 suspected violation of another section of this act.

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

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

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

12 (9) ~~This section does not apply if~~ IF the motor vehicle is
13 transporting more children than there are safety belts available
14 for use and if all safety belts available in the motor vehicle
15 are being utilized in compliance with this section, SUBSECTION
16 (4) SHALL APPLY ONLY TO CHILDREN IN THE FRONT SEAT OF THE MOTOR
17 VEHICLE.