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## RIDING IN BEDS OF PICKUPS

House Bill 4908 as introduced  
First Analysis (7-21-93)

Sponsor: Rep. William R. Keith  
Committee: Transportation

### ***THE APPARENT PROBLEM:***

Riding in the back of a pickup truck, though a common practice, is widely considered to be a dangerous one. The hazards have been documented by state police data; in 1986, for example, of some 46 people reported to be injured in crashes while riding in the beds of pickup trucks, four died and 14 were incapacitated by their injuries. While there have been occasional legislative proposals to restrict the practice, none have been enacted. The matter has received fresh attention following the tragic deaths in 1991 of three Clinton County teenagers who were riding in the back of a pickup and were killed when the truck left the road, hit a tree, and rolled over. In contrast, while the youths in the back of the truck were killed, a passenger in the cab received only minor injuries, and the driver was uninjured—even though neither was wearing a seat belt. In the wake of the recent deaths, there have been renewed calls for legislation to restrict riding in the backs of pickups.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Vehicle Code to generally prohibit a person from riding in the open bed of a pickup truck; a driver would be prohibited from allowing a passenger to do so. This prohibition would apply to those driving or riding on a highway or other place open to the general public in a city, village or township with a population of 30,000 or more, or on a freeway or part of a freeway. Riding in a truck bed or unenclosed area would be allowed if the passenger was properly seated and belted in.

The bill would not apply to a parade vehicle, a military vehicle, an authorized emergency vehicle, or an implement of husbandry, nor would it apply when the person was performing his or her job, was seeking employment, or was performing work-related activities in a voluntary capacity. It also would not apply for vehicles used to transport hunting dog trainers and their dogs, hunters or

hunting dogs during hunting activities; or to vehicles controlled and operated by a farmer (or employee or family member) during farming operations.

Violation of the bill would be a civil infraction.

MCL 257.682c

### ***FISCAL IMPLICATIONS:***

With regard to a similar bill (HB 5044) last session, the House Fiscal Agency said that the bill would have minimal fiscal implications. (10-16-91)

### ***ARGUMENTS:***

#### ***For:***

Although it seems only common sense not to ride -- or to allow others to ride -- in the bed of a pickup truck, it is not uncommon to see people doing this. Even parents, who normally might be expected to be more careful of their children's safety, let their children ride in the backs of pickups. (For example, a couple who live near Warren Dunes State Park report that almost any summer day they see pickup trucks driving to the beach with children in the back, sometimes standing up and jumping around.) Pediatric researchers, using data from the National Highway Traffic Safety Administration, have pointed out the special risks that riding in backs of pickups pose for children: in 1987, 22 percent of the "pediatric pickup truck deaths" were associated with riding in the cargo area of a pickup truck, while only 3 percent of the adult pickup deaths were under such circumstances (*Pediatrics*, Vol. 86, No. 5, November 1990, pp 683-691). Passengers riding in the back of pickup trucks are at great risk of injury and death; the state has a legitimate interest in prohibiting the practice, not only to protect its citizens, but also to minimize the costs to society (including medical, rehabilitation, and insurance costs) presented by unnecessary traffic deaths and injuries. It is incongruous for the state to require

the use of seat belts and child safety restraints, but continue to allow passengers to ride in the backs of pickups. The bill would restrict this practice and save lives and money as a result.

AAA Michigan supports the bill. (7-14-93)

The Department of State does not have a position at this time. (7-14-93)

***Against:***

The bill falls far short of what is necessary. For one thing, it would not apply to passengers in truck beds covered by caps or camper tops, but these passengers, if not belted in, are at great risk, as anecdotal evidence attests. In one instance, a young woman was left paraplegic from injuries she received while riding in the back of a pickup with a cap on it; in another, cited by the Clinton County sheriff, children were injured while riding in a capped pickup bed. Obviously, anyone riding in a capped pickup bed will be flung about in an accident, hitting whatever hard objects, including the cap walls, that might be in the truck; fiberglass caps present a special hazard, as they can splinter and cut the unfortunate passenger. Common sense and anecdotal evidence has been confirmed by pediatric researchers, who concluded that "the enclosure of a pickup bed did little to reduce the risk of serious injury" (*Pediatrics*, Nov. 1990, at p. 689).

The bill is additionally flawed in being limited to areas that meet a certain population threshold. Riding in pickup cargo beds is dangerous, period. It is not less dangerous in the country than in the city. Any need to accommodate agricultural activities is met by the bill's exception for farming use; to exempt rural areas in general would be contrary to the spirit of the bill. Ironically, with such limited application, the bill would not even cover the accident that has been given partial credit for prompting the bill; that accident, which killed three teens, occurred in Clinton County's Watertown Township, which has a population of only about 3,700.

***Response:***

If the bill applied everywhere, it could work a real hardship in rural areas, where by necessity the family vehicle often is a pickup truck. If a family can afford only one vehicle, the vehicle of choice is often one with the versatility to haul wood and other supplies, negotiate muddy or snowy roads, and carry the family to town.

***POSITIONS:***

The Department of State Police supports the bill. (7-14-93)