



# HOUSE BILL No. 4511

March 17, 1993, Introduced by Reps. Byrum, DeLange, Gire, Rivers, Gubow, Baade, Curtis, Dalman, Hammerstrom, London, Hill, McNutt, Gernaat and Martin 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 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. 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. A DRIVER SHALL BE RESPONSIBLE FOR SECURING A PASSENGER  
22 UNDER THE AGE OF 16 IN A PROPERLY ADJUSTED AND FASTENED SAFETY  
23 BELT.

24 (4) Each driver of a motor vehicle transporting a child  
25 4 years of age or ~~more~~ OLDER but less than 16 years of age in a  
26 motor vehicle shall secure the child in a properly adjusted and  
27 fastened safety belt. If the motor vehicle is transporting more

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

13 ~~(5) Enforcement of this section by state or local law~~  
14 ~~enforcement agencies shall be accomplished only as a secondary~~  
15 ~~action when a driver of a motor vehicle has been detained for a~~  
16 ~~suspected violation of another section of this act.~~

17 (5) ~~(6)~~ Failure to wear a safety belt in violation of this  
18 section may be considered evidence of negligence and may reduce  
19 the recovery for damages arising out of the ownership, mainte-  
20 nance, or operation of a motor vehicle. However, such negligence  
21 shall not reduce the recovery for damages by more than 5%.

22 (6) ~~(7)~~ A person who violates this section is responsible  
23 for a civil infraction.

24 (7) ~~(8)~~ Points shall not be assessed under section 320a  
25 for a violation of this section.

26 Section 2. The secretary of state shall adopt a public  
27 education program to inform motorists of the safety belt usage

1 requirements of this amendatory act and of the civil penalty for  
2 violation of those requirements and shall inform applicants for a  
3 driver license of the benefits of wearing safety belts.

4       Section 3. This amendatory act shall take effect on  
5 January 1, 1994.