



# HOUSE BILL No. 5634

June 9 1994 Introduced by Reps Stille Hammerstrom Hill Walberg Middleton Voorhees Llewellyn, Fitzgerald Rhead Bobier, Whyman McBryde, Galloway Dolan London Bender Dalman Brackenridge Johnson LeTarte Horton McManus Gernaat and Shugars and referred to the Committee on Judiciary

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~~ DOES not apply to a  
6 driver or passenger of ANY OF THE FOLLOWING

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~~ THAT is not required to be  
8 equipped with safety belts under federal law

9 (g) A commercial or United States postal service vehicle  
10 ~~which~~ THAT makes frequent stops for the purpose of pickup or  
11 delivery 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~~ DOES not apply to a passenger of a  
16 school 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 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 but less than  
4 16 years of age for which there is not an available safety belt  
5 is in compliance with this subsection if that child is seated in  
6 other than the front seat of the motor vehicle However, if that  
7 motor vehicle is a pickup truck without an extended cab or jump  
8 seats, and all safety belts in the front seat are being used the  
9 driver may transport such a child in the front seat without a  
10 safety belt

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

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

20 (7) A person who violates this section is responsible for a  
21 civil infraction

22 (8) Points shall not be assessed under section 320a for a  
23 violation of this section

24 Section 2 This amendatory act shall not take effect unless  
25 Senate Bill No \_\_\_\_\_ or House Bill No 5635 (request  
26 no 05140'93 \*\*) of the 87th Legislature is enacted into law