

SUBSTITUTE FOR  
HOUSE BILL NO. 4280

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 710e and 909 (MCL 257.710e and 257.909),  
section 710e as amended by 1991 PA 25.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 710e. (1) This section shall not apply to a driver or  
2 passenger of ANY OF THE FOLLOWING:

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

4       (b) A bus.

5       (c) A motorcycle.

6       (d) A moped.

7       (e) A motor vehicle if the driver or passenger possesses a  
8 written verification from a physician that the driver or  
9 passenger is unable to wear a safety belt for physical or medical  
10 reasons.

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

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

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

9 (2) This section shall not apply to a passenger of a school  
10 bus.

11 (3) Each driver and front seat passenger of a motor vehicle  
12 operated on a street or highway in this state shall wear a prop-  
13 erly adjusted and fastened safety belt, except that a child less  
14 than 4 years of age shall be protected as required in section  
15 710d. IF THERE ARE MORE PASSENGERS THAN SAFETY BELTS AVAILABLE  
16 FOR USE, AND ALL SAFETY BELTS IN THE MOTOR VEHICLE ARE BEING UTI-  
17 LIZED IN COMPLIANCE WITH THIS SECTION, THE DRIVER OF THE MOTOR  
18 VEHICLE IS IN COMPLIANCE WITH THIS SECTION.

19 (4) Each driver of a motor vehicle transporting a child  
20 4 years of age or more but less than 16 years of age in a motor  
21 vehicle shall secure the child in a properly adjusted and  
22 fastened safety belt. If the motor vehicle is transporting more  
23 children than there are safety belts available for use, all  
24 safety belts available in the motor vehicle are being utilized in  
25 compliance with this section, and the driver and all front seat  
26 passengers comply with subsection (3), then the driver of a motor  
27 vehicle transporting a child 4 years of age or more but less than

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1 16 years of age for which there is not an available safety belt  
2 is in compliance with this subsection, if that child is seated in  
3 other than the front seat of the motor vehicle. However, if that  
4 motor vehicle is a pickup truck without an extended cab or jump  
5 seats, and all safety belts in the front seat are being used, the  
6 driver may transport such a child in the front seat without a  
7 safety belt.

8       (5) ~~Enforcement of this section by state or local law~~  
9 ~~enforcement agencies shall be accomplished only as a secondary~~  
10 ~~action when a driver of a motor vehicle has been detained for a~~  
11 ~~suspected violation of another section of this act.~~ IF A POLICE  
12 OFFICER HAS [PROBABLE CAUSE] TO BELIEVE THAT A PERSON HAS VIOLATED  
THIS  
13 SECTION AND THAT THE VIOLATION IS A FIRST VIOLATION, THE PERSON  
14 SHALL NOT BE ISSUED A WRITTEN CITATION BUT SHALL BE ISSUED ONLY A  
15 WRITTEN WARNING BY THE POLICE OFFICER. EACH WARNING SHALL BE  
16 ENTERED INTO THE LAW ENFORCEMENT INFORMATION NETWORK. [A WRITTEN  
WARNING MAY BE CHALLENGED IN THE SAME MANNER AS A CIVIL INFRACTION.]  
A PERSON  
17 WHO VIOLATES THIS SECTION A SECOND OR SUBSEQUENT TIME IS RESPON-  
18 SIBLE FOR A CIVIL INFRACTION AND SHALL BE ISSUED A WRITTEN  
19 CITATION IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED BY THIS ACT  
20 FOR CIVIL INFRACTIONS. IF A DRIVER OF A MOTOR VEHICLE HAS BEEN  
21 DETAINED FOR A SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS  
22 ACT, THIS SUBSECTION DOES NOT APPLY. [A WARNING OR WRITTEN CITATION  
23 ISSUED UNDER THIS SUBSECTION SHALL NOT BE INCLUDED IN A TICKET  
24 ISSUANCE QUOTA SYSTEM IMPOSED UPON A LAW ENFORCEMENT OFFICER. AFTER  
25 DECEMBER 31, 2004, ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW  
ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY  
ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A  
SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.]

26       (6) Failure to wear a safety belt in violation of this  
27 section may be considered evidence of negligence and may reduce

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1 the recovery for damages arising out of the ownership,

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2 maintenance, or operation of a motor vehicle. However, such neg-  
3 ligence shall not reduce the recovery for damages by more than  
4 5%.

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

7 (8) A LAW ENFORCEMENT AGENCY SHALL CONDUCT AN INVESTIGATION  
8 FOR ALL REPORTS OF POLICE HARASSMENT THAT RESULT FROM THE  
9 ENFORCEMENT OF THIS SECTION.

10 (9) THE SECRETARY OF STATE SHALL ENGAGE AN INDEPENDENT  
11 ORGANIZATION TO CONDUCT A 3-YEAR STUDY TO DETERMINE THE IMPACT  
12 THAT THE PRIMARY ENFORCEMENT OF THIS SECTION HAS ON THE NUMBER OF  
13 INCIDENTS OF POLICE HARASSMENT OF DRIVERS. THE ORGANIZATION THAT  
14 CONDUCTS THE STUDY SHALL SUBMIT A REPORT TO THE LEGISLATURE NOT  
15 LATER THAN JUNE 30, 2001 AND AN ANNUAL REPORT NOT LATER THAN  
16 JUNE 30 EACH YEAR THEREAFTER.

17 (10) THE SECRETARY OF STATE SHALL PROMOTE COMPLIANCE WITH  
18 THE SAFETY BELT REQUIREMENTS OF THIS SECTION AT THE BRANCH  
19 OFFICES AND THROUGH ANY PRINT OR VISUAL MEDIA DETERMINED APPRO-  
20 PRIATE BY THE SECRETARY OF STATE.

21 (11) ~~-(8)-~~ Points shall not be assessed under section 320a  
22 for a violation of this section.

23 Sec. 909. (1) ~~-A-~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A  
24 civil fine which is ordered under section 907 for a violation of  
25 this act or other state statute shall be exclusively applied to  
26 the support of public libraries and county law libraries in the

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1 same manner as is provided by law for penal fines assessed and  
2 collected for violation of a penal law of the state.

3       (2) A CIVIL FINE THAT IS ORDERED UNDER SECTION 907 FOR A  
4 VIOLATION OF SECTION 710E SHALL BE DEPOSITED IN THE SAFETY BELT  
5 EDUCATION FUND CREATED IN SUBSECTION (3).

6       (3) A SAFETY BELT EDUCATION FUND IS CREATED IN THE DEPART-  
7 MENT OF TREASURY. THE FUNDS SHALL BE ADMINISTERED BY THE DEPART-  
8 MENT OF STATE POLICE. THE MONEY DEPOSITED IN THE FUND SHALL BE  
9 USED EXCLUSIVELY FOR SAFETY BELT EDUCATION.

10       (4) ~~—(2)—~~ Subsection (1) is intended to maintain a source of  
11 revenue for public libraries which previously received penal  
12 fines for misdemeanor violations of this act which are now civil  
13 infractions.

14       Enacting section 1. This amendatory act does not take  
15 effect unless House Bill No. 4757 of the 89th Legislature is  
16 enacted into law.