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SEAT BELTS: PRIMARY ENFORCEMENT

House Bill 4343
Sponsor: Rep. William Byl
Committee: Transportation

Complete to 2-26-99

A SUMMARY OF HOUSE BILL 4343 AS INTRODUCED 2-25-99

The Michigan Vehicle Code requires the driver and all front-seat passengers in a motor vehicle to wear properly fastened seat belts, and generally holds a driver responsible for ensuring that all children between the ages of four and 15 are properly secured in a seat belt. These provisions may only be enforced by police officers as a secondary action (that is, only when a driver has been detained for a suspected violation of some other traffic law). The bill would amend the act to delete language pertaining to secondary enforcement of seat belt provisions, and thus a seat belt violation could be enforced as a primary action.

In addition, the bill would delete the reference to "front seat" passengers with regard to the requirement to wear seat belts, thus making the requirement apply to all passengers in a vehicle. However, the bill specifies that if there were more passengers than seat belts available in the vehicle, and all seat belts were being used, the driver would not be considered to be in violation of the seat belt requirements.

Further, current law requires children less than one year old to be properly secured in a child safety seat, and requires children more than one year old but less than four years old to be in a child safety seat if seated in the front seat of the vehicle. (The law allows children ages one to four years old to be secured in a seat belt instead of a child safety seat if riding in the back seat.) The bill would delete the language allowing children ages one to four to be in seat belts in the back seat, and would instead require this age group to be in child safety seats, regardless of where they were seated in the vehicle.

MCL 257.710d and 257.710e

Analyst: J. Hunault

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