

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 335**

(As Passed the Senate March 18, 1999)

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 710d and 710e (MCL 257.710d and 257.710e),
section 710d as amended by 1990 PA 90 and section 710e as amended
by 1991 PA 25.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 710d. (1) Except as provided in this section, or as
2 otherwise provided by law, a rule promulgated pursuant to the
3 administrative procedures act of 1969, ~~Act No. 306 of the~~
4 ~~Public Acts of 1969, as amended, being sections 24.201 to 24.328~~
5 ~~of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328,
6 or federal regulation, each driver transporting a child LESS THAN
7 4 YEARS OF AGE in a motor vehicle shall properly secure ~~each~~
8 THAT child in a child restraint system ~~as follows: (a) Any~~
9 ~~child less than 1 year of age in a child restraint system which~~

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1 THAT meets the standards prescribed in 49 C.F.R. 571.213. —,
2 ~~except as provided in subsection (6).~~

3 ~~(b) Any child 1 year of age or more but less than 4 years of~~
4 ~~age, when transported in the front seat, in a child restraint~~
5 ~~system which meets the standards prescribed in 49 C.F.R.~~
6 ~~571.213, except as provided in subsection (6).~~

7 ~~(c) Any child 1 year of age or more but less than 4 years of~~
8 ~~age, when transported in the rear seat, in a child restraint~~
9 ~~system which meets the standards prescribed in 49 C.F.R. 571.213,~~
10 ~~unless the child is secured by a safety belt provided in the~~
11 ~~motor vehicle, except as provided in subsection (6).~~

12 (2) This section does not apply to any child being nursed.

13 (3) This section does not apply if the motor vehicle being
14 driven is a bus, school bus, taxicab, moped, motorcycle, or other
15 motor vehicle not required to be equipped with safety belts under
16 federal law or regulations.

17 (4) A person who violates this section is responsible for a
18 civil infraction.

19 (5) Points shall not be assessed under section 320a for a
20 violation of this section. An abstract required under section
21 732 shall not be submitted to the secretary of state regarding a
22 violation of this section.

23 (6) The secretary of state may exempt by rules promulgated
24 pursuant to ~~Act No. 306 of the Public Acts of 1969, as amended,~~
25 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
26 24.201 TO 24.328, a class of children from the requirements of
27 this section, if the secretary of state determines that the use

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1 of the child restraint system required under subsection (1) is
2 impractical because of physical unfitness, a medical problem, or
3 body size. The secretary of state may specify alternate means of
4 protection for children exempted under this subsection.

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.

9 (c) A motorcycle.

10 (d) A moped.

11 (e) A motor vehicle if the driver or passenger possesses a
12 written verification from a physician that the driver or passen-
13 ger is unable to wear a safety belt for physical or medical
14 reasons.

15 (f) A motor vehicle ~~which~~ THAT is not required to be
16 equipped with safety belts under federal law.

17 (g) A commercial or United States postal service vehicle
18 ~~which~~ THAT makes frequent stops for the purpose of pickup or
19 delivery of goods or services.

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

23 (2) This section ~~shall~~ DOES not apply to a passenger of a
24 school bus.

25 (3) Each driver and front seat passenger of a motor vehi-
26 cle operated on a street or highway in this state shall wear a
27 properly adjusted and fastened safety belt, except that a child

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1 less than 4 years of age shall be protected as required in
2 section 710d. IF THERE ARE MORE PASSENGERS THAN SAFETY BELTS
3 AVAILABLE FOR USE, AND ALL SAFETY BELTS IN THE MOTOR VEHICLE ARE
4 BEING UTILIZED IN COMPLIANCE WITH THIS SECTION, THE DRIVER OF THE
5 MOTOR VEHICLE IS IN COMPLIANCE WITH THIS SECTION.

6 (4) Each driver of a motor vehicle transporting a child
7 4 years of age or more but less than 16 years of age in a motor
8 vehicle shall secure the child in a properly adjusted and
9 fastened safety belt. If the motor vehicle is transporting more
10 children than there are safety belts available for use, all
11 safety belts available in the motor vehicle are being utilized in
12 compliance with this section, and the driver and all front seat
13 passengers comply with subsection (3), then the driver of a motor
14 vehicle transporting a child 4 years of age or more but less than
15 16 years of age for which there is not an available safety belt
16 is in compliance with this subsection, if that child is seated in
17 other than the front seat of the motor vehicle. However, if that
18 motor vehicle is a pickup truck without an extended cab or jump
19 seats, and all safety belts in the front seat are being used, the
20 driver may transport such a child in the front seat without a
21 safety belt.

22 (5) ~~Enforcement~~ IF AFTER DECEMBER 31, 2005 THE OFFICE OF
23 HIGHWAY SAFETY PLANNING CERTIFIES THAT THERE HAS BEEN LESS THAN
24 80% COMPLIANCE WITH THE SAFETY BELT REQUIREMENTS OF THIS SECTION
25 DURING THE PRECEDING YEAR, THEN ENFORCEMENT of this section by
26 state or local law enforcement agencies shall be accomplished
27 only as a secondary action when a driver of a motor vehicle has

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1 been detained for a suspected violation of another section of
2 this act.

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

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

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

13 (9) THE SECRETARY OF STATE SHALL ENGAGE AN INDEPENDENT
14 ORGANIZATION TO CONDUCT A 3-YEAR STUDY TO DETERMINE THE EFFECT
15 THAT THE PRIMARY ENFORCEMENT OF THIS SECTION HAS ON THE NUMBER OF
16 INCIDENTS OF POLICE HARASSMENT OF DRIVERS. THE ORGANIZATION THAT
17 CONDUCTS THE STUDY SHALL SUBMIT A REPORT TO THE LEGISLATURE NOT
18 LATER THAN JUNE 30, 2001 AND AN ANNUAL REPORT NOT LATER THAN JUNE
19 30 EACH YEAR THEREAFTER.

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

(11) THE SECRETARY OF STATE SHALL CONDUCT A STUDY WITH THE
COOPERATION AND CONTRIBUTION OF THE DIRECTORS OF THE DEPARTMENT
OF STATE POLICE, THE DEPARTMENT OF COMMUNITY HEALTH, THE STATE
TRANSPORTATION DEPARTMENT, AND THE INSURANCE BUREAU TO ANALYZE
THE MONETARY SAVINGS, IF ANY, ARISING FROM THE ENACTMENT OF THE
AMENDATORY ACT THAT ADDED THIS SUBSECTION. THE SECRETARY OF
STATE SHALL REPORT THE FINDINGS OF THE STUDY TO [ALL OF THE
FOLLOWING NOT LATER THAN MAY 1, 2000:

(A) THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS
COMMITTEES.

(B) THE SENATE AND HOUSE OF REPRESENTATIVES FISCAL AGENCIES.]

24 (12) IT IS THE INTENT OF THE LEGISLATURE THAT THE ENFORCE-
25 MENT OF THIS SECTION BE CONDUCTED IN A MANNER CALCULATED TO SAVE
26 LIVES AND NOT IN A MANNER THAT RESULTS IN THE HARASSMENT OF THE
27 CITIZENS OF THIS STATE.

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1 (13) ~~-(8)-~~ Points shall not be assessed under section 320a
2 for a violation of this section.

[Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policyholders.]