

HOUSE BILL No. 4822

May 24, 2001, Introduced by Reps. Lockwood, Toy, Whitmer, LaSata, Gielegem, Zelenko, Schauer, Kolb, Patterson, Richardville, Jelinek, Dennis, Mans and Jacobs and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 710e. (1) This section does 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.

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

3 (g) A commercial or United States postal service vehicle
4 that 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 does not apply to a passenger of a school
10 bus.

11 (3) ~~Each~~ SUBJECT TO THE EXCEPTIONS IN THIS SUBSECTION,
12 EACH driver and front seat passenger of a motor vehicle operated
13 on a street or highway in this state shall wear a properly
14 adjusted and fastened safety belt ~~, except that a child less~~
15 ~~than 4 years of age shall be protected as required in section~~
16 ~~710d.~~ EXCEPT AS FOLLOWS:

17 (A) A CHILD LESS THAN 4 YEARS OF AGE SHALL BE PROTECTED AS
18 REQUIRED IN SECTION 710D.

19 (B) A CHILD WEIGHING AT LEAST 40 POUNDS BUT NOT MORE THAN 80
20 POUNDS OR A CHILD THAT IS NOT MORE THAN 4 FEET 9 INCHES IN HEIGHT
21 SHALL BE SEATED IN A MANUFACTURER CERTIFIED BACKLESS BOOSTER SEAT
22 AND SECURED BY A SEAT BELT.

23 (4) If there are more passengers than safety belts available
24 for use, and all safety belts in the motor vehicle are being uti-
25 lized in compliance with this section, the driver of the motor
26 vehicle is in compliance with this section.

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

17 (6) ~~-(5)-~~ If after December 31, 2005 the office of highway
18 safety planning certifies that there has been less than 80% com-
19 pliance with the safety belt requirements of this section during
20 the preceding year, then enforcement of this section by state or
21 local law enforcement agencies shall be accomplished only as a
22 secondary action when a driver of a motor vehicle has been
23 detained for a suspected violation of another section of this
24 act.

25 (7) ~~-(6)-~~ Failure to wear a safety belt in violation of this
26 section may be considered evidence of negligence and may reduce
27 the recovery for damages arising out of the ownership,

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

4 (8) ~~-(7)-~~ A person who violates this section is responsible
5 for a civil infraction.

6 (9) ~~-(8)-~~ A law enforcement agency shall conduct an investi-
7 gation for all reports of police harassment that result from the
8 enforcement of this section.

9 (10) ~~-(9)-~~ The secretary of state shall engage an indepen-
10 dent organization to conduct a 3-year study to determine the
11 effect that the primary enforcement of this section has on the
12 number of incidents of police harassment of drivers. The organi-
13 zation that conducts the study shall submit a report to the leg-
14 islature not later than June 30, 2001 and an annual report not
15 later than June 30 each year thereafter.

16 (11) ~~-(10)-~~ The secretary of state shall promote compliance
17 with the safety belt requirements of this section at the branch
18 offices and through any print or visual media determined appro-
19 priate by the secretary of state.

20 (12) ~~-(11)-~~ The secretary of state shall conduct a study
21 with the cooperation and contribution of the directors of the
22 department of state police, the department of community health,
23 the state transportation department, and the insurance bureau to
24 analyze the monetary savings, if any, arising from the enactment
25 of the amendatory act that added this subsection. The secretary
26 of state shall report the findings of the study to all of the
27 following not later than May 1, 2000:

1 (a) The senate and house of representatives appropriations
2 committees.

3 (b) The senate and house of representatives fiscal
4 agencies.

5 (13) ~~-(12)-~~ It is the intent of the legislature that the
6 enforcement of this section be conducted in a manner calculated
7 to save lives and not in a manner that results in the harassment
8 of the citizens of this state.

9 (14) ~~-(13)-~~ Points shall not be assessed under section 320a
10 for a violation of this section.

11 Enacting section 1. This amendatory act takes effect April
12 1, 2002.

13 Enacting section 2. This amendatory act does not take
14 effect unless Senate Bill No. _____ or House Bill No. 4821
15 (request no. 04470'01) of the 91st Legislature is enacted into
16 law.