

SENATE BILL No. 334

March 15, 2001, Introduced by Senators STEIL, BULLARD, HAMMERSTROM and DUNASKISS and referred to the Committee on Transportation and Tourism.

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 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~~

~~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) If after December 31, 2005 the office of highway safety
9 planning certifies that there has been less than 80% compliance
10 with the safety belt requirements of this section during the pre-
11 ceding year, then enforcement of this section by state or local
12 law enforcement agencies shall be accomplished only as a second-
13 ary action when a driver of a motor vehicle has been detained for
14 a 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) A law enforcement agency shall conduct an investigation
23 for all reports of police harassment that result from the
24 enforcement of this section.

25 (9) The secretary of state shall engage an independent
26 organization to conduct a 3-year study to determine the effect
27 that the primary enforcement of this section has on the number of

1 incidents of police harassment of drivers. The organization that
2 conducts the study shall submit a report to the legislature not
3 later than June 30, 2001 and an annual report not later than June
4 30 each year thereafter.

5 (10) The secretary of state shall promote compliance with
6 the safety belt requirements of this section at the branch
7 offices and through any print or visual media determined appro-
8 priate by the secretary of state.

9 (11) The secretary of state shall conduct a study with the
10 cooperation and contribution of the directors of the department
11 of state police, the department of community health, the state
12 transportation department, and the insurance bureau to analyze
13 the monetary savings, if any, arising from the enactment of the
14 amendatory act that added this subsection. The secretary of
15 state shall report the findings of the study to all of the fol-
16 lowing not later than May 1, 2000:

17 (a) The senate and house of representatives appropriations
18 committees.

19 (b) The senate and house of representatives fiscal
20 agencies.

21 (12) It is the intent of the legislature that the enforce-
22 ment of this section be conducted in a manner calculated to save
23 lives and not in a manner that results in the harassment of the
24 citizens of this state.

25 ~~(13) Points shall not be assessed under section 320a for a~~
26 ~~violation of this section.~~