

SENATE BILL No. 1409

September 17, 2002, Introduced by Senator BULLARD 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 (5) ~~(6)~~ Failure to wear a safety belt in violation of this
16 section may be considered evidence of negligence and may reduce
17 the recovery for damages arising out of the ownership, mainte-
18 nance, or operation of a motor vehicle. However, such negligence
19 shall not reduce the recovery for damages by more than 5%.

20 (6) ~~(7)~~ A person who violates this section is responsible
21 for a civil infraction.

22 (7) ~~(8)~~ A law enforcement agency shall conduct an investi-
23 gation for all reports of police harassment that result from the
24 enforcement of this section.

25 (8) ~~(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 (9) ~~(10)~~ The secretary of state shall promote compliance
6 with 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 (10) ~~(12)~~ It is the intent of the legislature that the
22 enforcement of this section be conducted in a manner calculated
23 to save lives and not in a manner that results in the harassment
24 of the citizens of this state.

25 (11) ~~(13)~~ Points shall not be assessed under section 320a
26 for a violation of this section.