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Senate Bill 882 (as passed by the Senate)
Sponsor: Senator Bev Hammerstrom
Committee: Transportation

Date Completed: 2-11-04

RATIONALE

Motor vehicle crashes remain the leading cause of unintentional injury-related death among children ages 14 and under, claiming nearly 1,600 lives in 2001 and resulting in approximately 227,000 injuries in 2002, according to the National SAFE KIDS Campaign, a nonprofit child advocacy group. When used correctly and consistently, child safety seats and seat belts can be effective in saving lives and preventing injuries. Reportedly, however, approximately 14% of the children under 15 in the United States continue to ride unrestrained; of those killed in automobile accidents in 2002, 50% were not using safety restraints.

While the reasons for misusing or not using child safety seats and seat belts vary, safety experts believe that a key factor is the weakness of state laws, which have gaps in coverage as to age and seating positions, as well as various exemptions. Several years ago, the SAFE KIDS Campaign graded state laws on whether they required age-appropriate child restraints and proper safety seat adjustments, among other safety criteria. In addition, state laws were compared with a model law designed by the organization. The SAFE KIDS Campaign gave Michigan a failing grade for its child safety restraint laws. Consequently, some people believe that these laws should be strengthened to provide maximum protection for children who are motor vehicle passengers.

CONTENT

The bill would amend the Michigan Vehicle Code to require the driver of a motor vehicle who was transporting a child under four to position the child in a child restraint system in a seat located

behind the driver; and to remove a provision that currently exempts nursing children from being secured in child restraint systems.

Under the Code, a driver transporting a child under four years of age in a motor vehicle must properly secure that child in a child restraint system that meets the standards prescribed in the Code of Federal Regulations (49 CFR 571.213). Children being nursed are exempt from this requirement. Under the bill, all children under four would have to be properly secured in a child restraint system, and the system would have to be positioned in a seat located behind the driver, other than a jump seat of a pickup, if the vehicle were equipped with such a seat. The bill specifies that a child could be positioned in a child restraint system in the front seat if all rear seating positions were occupied by children in child restraint systems.

MCL 257.710d

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to the National SAFE KIDS Campaign, Michigan's child occupant protection laws do not do a good job of protecting the State's children. The law requires all children to be restrained, but does not acknowledge the fact that the back seat is the safest place for a child to ride. According to the organization, children ages 12 and under are 36% less likely to die in a crash if seated in the rear of a passenger vehicle than

if seated in the front seat. In addition, the Federal regulations require car seat instructions to state that children are safer when properly restrained in the rear seating position than in the front seat. Despite efforts to improve traffic safety, Michigan still needs to ensure that children, the most vulnerable passengers, are provided maximum protection. By requiring that children under four years of age be secured properly in a car seat behind the driver, the bill would strengthen current regulations to enhance the safety of children.

Supporting Argument

Although the Vehicle Code requires children under four to be in car seats, it makes an exception for children being nursed. This exception unnecessarily jeopardizes children who are breast-feeding. Although a nursing mother might be wearing a seat belt and holding the child in a sling, the child undeniably is not as safe as he or she would be in a car seat. While the present law recognizes the importance of breast-feeding, protecting the life of all children is paramount. The bill would not prevent breast-feeding in vehicles, however, since some mothers are able to nurse children who are in rear-facing car seats. By removing the present exception, the bill would ensure that all children under four, including those being nursed, received the protection of a car seat.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate impact on the number of violations under MCL 257.710d.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.