

# SENATE BILL No. 997

February 17, 2004, Introduced by Senators McMANUS, BIRKHOLZ, KUIPERS, ALLEN and GEORGE 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 that  
4 makes frequent stops for the purpose of pickup or delivery of  
5 goods or services.

6 (h) A motor vehicle operated by a rural carrier of the United  
7 States postal service while serving his or her rural postal  
8 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, each**  
12 driver and front seat passenger of a motor vehicle operated on a  
13 street or highway in this state shall wear a properly adjusted  
14 and fastened safety belt ~~—, except that a child less than 4 years~~  
15 ~~of age shall be protected as required in section 710d.—~~ **except as**  
16 **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 booster seat and**  
22 **secured by a safety 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  
25 utilized in compliance with this section, the driver of the motor  
26 vehicle is in compliance with this section.

27 (5) ~~(4)~~ Each driver of a motor vehicle transporting a child

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

16 (6) ~~(5)~~ If after December 31, 2005 the office of highway  
17 safety planning certifies that there has been less than 80%  
18 compliance with the safety belt requirements of this section  
19 during the preceding year, ~~then~~ enforcement of this section by  
20 state or local law enforcement agencies shall be accomplished  
21 only as a secondary action when a driver of a motor vehicle has  
22 been detained for a suspected violation of another section of  
23 this act.

24 (7) ~~(6)~~ Failure to wear a safety belt in violation of this  
25 section may be considered evidence of negligence and may reduce  
26 the recovery for damages arising out of the ownership,  
27 maintenance, or operation of a motor vehicle. However, ~~such~~

1 **that** negligence shall not reduce the recovery for damages by more  
2 than 5%.

3 (8) ~~—(7)—~~ A person who violates this section is responsible  
4 for a civil infraction.

5 (9) ~~—(8)—~~ A law enforcement agency shall conduct an  
6 investigation for all reports of police harassment that result  
7 from the enforcement of this section.

8 (10) ~~—(9)—~~ The secretary of state shall engage an independent  
9 organization to conduct a 3-year study to determine the effect  
10 that the primary enforcement of this section has on the number of  
11 incidents of police harassment of drivers. The organization that  
12 conducts the study shall submit a report to the legislature not  
13 later than June 30, 2001 and an annual report not later than June  
14 30 each year thereafter.

15 (11) ~~—(10)—~~ The secretary of state shall promote compliance  
16 with the safety belt requirements of this section at the branch  
17 offices and through any print or visual media determined  
18 appropriate by the secretary of state.

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

27 ~~—— (a) The senate and house of representatives appropriations~~

1 ~~committees.~~

2 ~~—— (b) The senate and house of representatives fiscal agencies.~~

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

7 (13) Points shall not be assessed under section 320a for a  
8 violation of this section.