

SENATE BILL No. 313

March 16, 2005, Introduced by Senators BIRKHOLZ, JOHNSON, McMANUS, KUIPERS and BRATER 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 passenger
9 is unable to wear a safety belt for physical or medical 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 goods
5 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 route.

8 (2) This section does not apply to a passenger of a school
9 bus.

10 (3) Each driver and front seat passenger of a motor vehicle
11 operated on a street or highway in this state shall wear a properly
12 adjusted and fastened safety belt, except that a child less than 4
13 years of age shall be protected as required in section 710d. If
14 there are more passengers **16 YEARS OF AGE OR OLDER** than **THERE ARE**
15 safety belts available for use, and all safety belts in the motor
16 vehicle are being utilized in compliance with this section, the
17 driver of the motor vehicle is in compliance with this section.

18 (4) Each driver of a motor vehicle transporting a child 4
19 years of age or more but less than 16 years of age in a motor
20 vehicle shall secure the child in a properly adjusted and fastened
21 safety belt. ~~If the motor vehicle is transporting more children~~
22 ~~than there are safety belts available for use, all safety belts~~
23 ~~available in the motor vehicle are being utilized in compliance~~
24 ~~with this section, and the driver and all front seat passengers~~
25 ~~comply with subsection (3), then the driver of a motor vehicle~~
26 ~~transporting a child 4 years of age or more but less than 16 years~~
27 ~~of age for which there is not an available safety belt is in~~

1 ~~compliance with this subsection, if that child is seated in other~~
2 ~~than the front seat of the motor vehicle. However, if that motor~~
3 ~~vehicle is a pickup truck without an extended cab or jump seats,~~
4 ~~and all safety belts in the front seat are being used, the driver~~
5 ~~may transport such a child in the front seat without a safety belt.~~

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

13 (6) Failure to wear a safety belt in violation of this section
14 may be considered evidence of negligence and may reduce the
15 recovery for damages arising out of the ownership, maintenance, or
16 operation of a motor vehicle. However, ~~such~~ **THAT** negligence shall
17 not reduce the recovery for damages by more than 5%.

18 (7) A person who violates this section is responsible for a
19 civil infraction.

20 (8) A law enforcement agency shall conduct an investigation
21 for all reports of police harassment that result from the
22 enforcement of this section.

23 (9) The secretary of state shall engage an independent
24 organization to conduct a 3-year study to determine the effect that
25 the primary enforcement of this section has on the number of
26 incidents of police harassment of drivers. The organization that
27 conducts the study shall submit a report to the legislature not

1 later than June 30, 2001 and an annual report not later than June
2 30 each year thereafter.

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

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

15 ~~—— (a) The senate and house of representatives appropriations~~
16 ~~committees.~~

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

18 (11) ~~—(12)—~~ It is the intent of the legislature that the
19 enforcement of this section be conducted in a manner calculated to
20 save lives and not in a manner that results in the harassment of
21 the citizens of this state.

22 (12) ~~—(13)—~~ Points shall not be assessed under section 320a
23 for a violation of this section.