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BILL  ANALYSIS

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Senate Bill 82 (as reported without amendment)
Sponsor: Senator Michelle A. McManus
Committee: Transportation

Date Completed: 3-3-08

RATIONALE

The Michigan Vehicle Code requires children under the age of four to be secured in a car seat or other restraint system, and children four through 15 years old to be secured in a properly adjusted and fastened seatbelt. Seatbelts are designed for the average sized adult, however, and some are concerned that by themselves seatbelts may not restrain children adequately, or may cause injury in an accident. To help prevent injuries, it was suggested that children between the age of four and eight should be required to use a booster seat or other child restraint system.

CONTENT

The bill would amend the Michigan Vehicle Code to add child restraint system requirements for children at least four years old but under the age of eight and less than four feet, nine inches tall.

The Code requires a driver and front seat passenger to wear a properly adjusted and fastened safety belt, except that a child who is less than four years of age must be protected as required in Section 710d of the Code.

(Under that section, 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 49 CFR 571.213, which specifies requirements for child restraint systems used in motor vehicles and aircraft.)

The bill would add that a child who was four years of age or older but less than eight

years old and who was less than four feet, nine inches tall would have to be secured properly in a child restraint system in accordance with the child restraint manufacturer's and vehicle manufacturer's instructions and the standards prescribed in 49 CFR 571.213.

The Code requires each driver of a vehicle transporting a child who is at least four but less than 16 years old to secure the child in a properly adjusted and fastened safety belt. Under the bill, this would apply except as described above for a child over four but under eight years old. Currently, if a vehicle is transporting more children than there are safety belts available for use, all safety belts are being used, and the driver and all front seat passengers are wearing a safety belt, then the driver is in compliance with this requirement if a child who is at least four but less than 16 years old for whom a safety belt is not available, is not seated in the front seat. Under the bill, this would apply to a child who was at least eight but under 16.

The bill would take effect January 1, 2008.

MCL 257.710e

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

About 350 children between the ages of four and seven are killed in auto accidents annually, according to the National Highway Traffic Safety Administration (NHTSA).

Children in this age group are particularly at risk of injury, because they are no longer able to fit in car seats, but they are too small to be protected adequately by seat belts. A properly secured seatbelt should rest across the pelvis, while the shoulder strap should cross the ribcage and shoulders. These solid support points allow a seatbelt to restrain a person in an accident while minimizing the risk of bodily injuries. Seatbelts are not designed for small children, however, and so the lap belt may rest on the child's lower abdomen, rather than the pelvis, and the shoulder strap may cross the child's neck rather than the shoulder. In an accident, the improper positioning of the seatbelt can cause severe injury, including damage to abdominal organs, head injuries, or spinal fractures. Further injury can result if the child places the shoulder strap behind his or her back, leaving the lap belt as the only restraint. Reportedly, children in seatbelts are four times more likely to suffer head or brain injuries than children in booster seats or other child restraints.

When a child is secured in a booster seat, the seat belt fits properly and rests on the bony structures of the body, helping to reduce the risk of injury in an accident. Children between the ages of four and seven in booster seats are 59% less likely to be injured than children secured by seatbelts alone, according to a study published in the *Journal of the American Medical Association* on June 4, 2003. The NHTSA recommends that children up to the age of eight or under four feet, nine inches tall be restrained in booster seats.

Despite those recommendations, a 2006 national survey of booster seat use found that about 58% of children between the ages of four and seven were restrained in booster seats or safety seats, while 33% wore seatbelts only, and 9% were unrestrained. Some studies have indicated that the usage of booster seats may be even lower in Michigan. According to a March 2007 article in the *Archives of Pediatrics and Adolescent Medicine*, the use of child restraints increased 39% in states with booster seat laws, compared with those without such laws. Many parents reportedly are unaware of the need to use a booster seat, and may be looking to state law as an indicator of best safety practices. At least 38 other states and the District of Columbia

have enacted booster seat laws. By establishing similar requirements in Michigan, the bill would help to protect children and reduce their risk of injury in an automobile accident.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill could result in additional revenue to the State and local units of government. To the extent that there would be additional violations, the bill would result in additional fine revenue, courts costs, and Justice System Fund assessments. Fine revenue from civil infractions under the Michigan Vehicle Code is allocated to public libraries. Fines resulting from citations for violations of corresponding local ordinances are shared by the local unit of government and the court funding unit.

Fiscal Analyst: Stephanie Yu

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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.