

SENATE BILL No. 82

January 25, 2007, Introduced by Senators McMANUS, GEORGE, GARCIA, ALLEN, BIRKHOLZ, CHERRY, RICHARDVILLE 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~~ **AN**
2 **OPERATOR** or 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~~ **OPERATOR** or passenger
8 possesses a written verification from a physician that the ~~driver~~
9 **OPERATOR** or passenger is unable to wear a safety belt for physical

1 or medical reasons.

2 (f) A motor vehicle that is not required to be equipped with
3 safety belts under federal law.

4 (g) A commercial or United States postal service vehicle that
5 makes frequent stops for the purpose of pickup or delivery of goods
6 or services.

7 (h) A motor vehicle operated by a rural carrier of the United
8 States postal service while serving his or her rural postal route.

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

11 (3) Each ~~driver~~**OPERATOR** and front seat passenger of a motor
12 vehicle operated on a street or highway in this state shall wear a
13 properly adjusted and fastened safety belt , ~~except that a child~~
14 ~~less than 4 years of age shall be protected as required in section~~
15 ~~710d.~~ **EXCEPT AS FOLLOWS:**

16 (A) A CHILD WHO IS LESS THAN 4 YEARS OF AGE SHALL BE PROTECTED
17 AS REQUIRED IN SECTION 710D.

18 (B) A CHILD WHO IS 4 YEARS OF AGE OR OLDER BUT LESS THAN 8
19 YEARS OF AGE AND WHO IS LESS THAN 4 FEET 9 INCHES IN HEIGHT SHALL
20 BE PROPERLY SECURED IN A CHILD RESTRAINT SYSTEM IN ACCORDANCE WITH
21 THE CHILD RESTRAINT MANUFACTURER'S AND VEHICLE MANUFACTURER'S
22 INSTRUCTIONS AND THE STANDARDS PRESCRIBED IN 49 CFR 571.213.

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~~**OPERATOR** of
26 the motor vehicle is in compliance with this section.

27 (5) ~~(4) Each driver~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**

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

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

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

operation of a motor vehicle. However, ~~such~~**THAT** negligence shall not reduce the recovery for damages by more than 5%.

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

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

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

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

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

~~—— (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 citizens
6 of this state.

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

9 Enacting section 1. This amendatory act takes effect January
10 1, 2008.