

Legislative Analysis



CHILD RESTRAINT SEATS: PLACE IN REAR SEAT & ELIMINATE NURSING EXCEPTION

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House Bill 4450 as enrolled

Public Act 57 of 2009

Sponsor: Rep. Larry DeShazor

House Committee: Transportation

Senate Committee: None (Sent directly to Committee of the Whole)

Complete to 12-14-10

A SUMMARY OF HOUSE BILL 4450 AS ENROLLED

Under the Michigan Vehicle Code, generally speaking, drivers and front-seat passengers in vehicles must wear a safety belt, and all children under four must ride in a child restraint system. Also, a child who is four years of age or older but less than eight, and who is less than four feet nine inches tall must be properly secured in a child restraint system.

House Bill 4450 amended the Vehicle Code (MCL 257.710d) to require that the child restraint system for a child under four years of age be positioned in a rear seat of the vehicle, if the vehicle has a rear seat. The bill also eliminated the exemption for a child being nursed.

Under the bill, if all available rear seats are already occupied by children under four, then a child under four can be placed in a child restraint system in the front seat. A child in a rear-facing child restraint system can be placed in the front seat only if the front passenger air bag is deactivated.

BACKGROUND INFORMATION:

State health officials testified that children are far more likely to be injured in an automobile accident if they are riding in the front seat. They also testified that the nursing exemption, which was unique to Michigan, put some federal funding at risk. The bill was supported in committee by representatives from health agencies, law enforcement, and the insurance industry.

FISCAL IMPACT:

The fine for an improper child restraint violation is no greater than \$10. The driver would also be assessed court costs of \$35-\$53 and a Justice System Assessment of \$40. Because the fine revenue for civil infraction traffic violations go to county treasurers for local libraries, the fine of up to \$10 per offense will generate additional revenue for those libraries. In addition, the assessed court costs of \$35 to \$53 per offense will generate additional revenue for the governmental unit that funds the local court. Each infraction

will also be assessed a \$40 Justice System Assessment which is deposited into the state Justice System Fund (JSF). The JSF supports various justice-related endeavors in the judicial branch, the Department of State Police, and the Department of Corrections. While the bill's provisions may increase the number of child restraint violations, the amount of revenue increase that would be generated is indeterminate.

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