

SENATE BILL No. 1106

February 4, 2010, Introduced by Senator SWITALSKI 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 2008 PA 43.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 710e. (1) This section does not apply to an operator 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 operator or passenger possesses a
8 written verification from a physician that the operator or
9 passenger is unable to wear a safety belt for physical or medical

1 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 operator, ~~and EACH~~ front seat passenger, **AND EACH**
12 **PASSENGER 16 YEARS OF AGE OR OLDER** of a motor vehicle operated on a
13 street or highway in this state shall wear a properly adjusted and
14 fastened safety belt except as follows:

15 (a) A child who is less than 4 years of age shall be protected
16 as required in section 710d.

17 (b) A child who is 4 years of age or older but less than 8
18 years of age and who is less than 4 feet 9 inches in height shall
19 be properly secured in a child restraint system in accordance with
20 the child restraint manufacturer's and vehicle manufacturer's
21 instructions and the standards prescribed in 49 CFR 571.213.

22 (4) If there are more passengers than safety belts available
23 for use, and all safety belts in the motor vehicle are being
24 utilized in compliance with this section, the operator of the motor
25 vehicle is in compliance with this section.

26 (5) Except as otherwise provided in subsection (3)(b), each
27 operator of a motor vehicle transporting a child 4 years of age or

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

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

23 (6) ~~(7)~~ Failure to wear a safety belt in violation of this
24 section may be considered evidence of negligence and may reduce the
25 recovery for damages arising out of the ownership, maintenance, or
26 operation of a motor vehicle. However, that negligence shall not
27 reduce the recovery for damages by more than 5%.

1 (7) ~~(8)~~—A person who violates this section is responsible for
2 a civil infraction.

3 (8) ~~(9)~~—A law enforcement agency shall conduct an
4 investigation for all reports of police harassment that result from
5 the enforcement of this section.

6 (9) ~~(10)~~—The secretary of state shall engage an independent
7 organization to conduct a 3-year study to determine the effect that
8 the primary enforcement of this section has on the number of
9 incidents of police harassment of motor vehicle operators. The
10 organization that conducts the study shall submit a report to the
11 legislature not later than June 30, 2001 and an annual report not
12 later than June 30 each year thereafter.

13 (10) ~~(11)~~—The secretary of state shall promote compliance with
14 the safety belt requirements of this section at the branch offices
15 and through any print or visual media determined appropriate by the
16 secretary of state.

17 (11) ~~(12)~~—It is the intent of the legislature that the
18 enforcement of this section be conducted in a manner calculated to
19 save lives and not in a manner that results in the harassment of
20 the citizens of this state.

21 (12) ~~(13)~~—Points shall not be assessed under section 320a for
22 a violation of this section.