

Legislative Analysis



CHILD RESTRAINT SYSTEM VIOLATION

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Senate Bill 97 (without amendment)

Sponsor: Sen. John Proos

House Committee: Transportation and Infrastructure

Senate Committee: Transportation

Complete to 3-18-13

A SUMMARY OF SENATE BILL 97 AS PASSED BY THE SENATE 2-30-13

The Michigan Vehicle Code (MCL 257.907) requires a court to waive penalties for a violation of child restraint system requirements if the individual who is cited supplies the court with evidence of the acquisition, purchase, or rental of a child seating system before the appearance date on the citation. Senate Bill 97 would eliminate this requirement.

Section 710d of the Vehicle Code requires a driver transporting a child less than four years old in a motor vehicle to properly secure the child in a child restraint system that meets federal standards. The driver must also position the child in the restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children under the age of four, a child may be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger airbag is deactivated.

A violation is a civil infraction for which a person may be ordered to pay a maximum civil fine of \$10 and costs. In addition, unless the total fine and costs imposed for the violation are \$10 or less, the person may be ordered to pay a \$40 justice system assessment.

FISCAL IMPACT:

The bill is likely to have a minor but positive fiscal impact on state and local government. For each violation for which penalties would be imposed rather than waived, the revenue would range from \$85 to \$103. This includes a \$10 fine (which benefits public libraries), \$35 to \$53 in court costs (to local courts), and a \$40 justice system assessment (which would go to various state entities, including the State Police Highway Safety Fund. Currently, there are no data to indicate how many individuals get their penalties waived by showing evidence of acquisition of a child restraint system.

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