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BILL



ANALYSIS

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Senate Bill 97 (as introduced 1-29-13)
Sponsor: Senator John Proos
Committee: Transportation

Date Completed: 2-1-13

CONTENT

The bill would amend the Michigan Vehicle Code to eliminate a requirement that a court waive penalties for a violation of child restraint system requirements if the violator acquires a child restraint system before his or her appearance date.

Except as otherwise provided, Section 710d of the Code requires a driver transporting a child younger than four years old in a motor vehicle to secure the child properly in a child restraint system that meets Federal standards. The driver must 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 of Section 710d 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.

The court must waive any civil fine, cost, or assessment against a person who received a civil infraction citation for a violation of Section 710d if, before the appearance date on the citation, the person supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the Code's requirements. The bill would delete this provision.

MCL 257.907

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate, but likely minor and positive, fiscal impact on State and local government. There are no data to indicate how many violators get their penalties waived by showing evidence of acquisition of a child restraint system. However, for each violator whose penalties would not be waived, the generated revenue would range from \$85 to \$103. This total includes a \$10 fine (which benefits public libraries), \$35 to \$53 in court costs (which reimburse local courts), and a \$40 justice system assessment (which benefits a variety of State entities such as the Highway Safety Fund of the Michigan State Police).

Fiscal Analyst: Dan O'Connor

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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.