

## CHILD SAFETY RESTRAINT SYSTEMS

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**House Bill 5689 (reported from committee as H-1)**

**Sponsor: Rep. Laura Cox**

**Committee: Families, Children, and Seniors**

**Complete to 6-1-16**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

The bill would amend Sections 710d and 710e of the Michigan Vehicle Code to revise requirements for child safety restraint systems.

#### *Child Restraint System*

Under Section 710d of the code, a driver transporting a child less than 4 years of age must properly secure that child in a child restraint system that meets federal standards. A child must be positioned in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all rear seats are filled by children, the child could 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 air bag is deactivated.

House Bill 5689 would strike the "less than 4 years of age" language and require a child less than 8 years of age be seated and positioned as follows:

- In a rear-facing child seat, if the child weighs 30 pounds or less, or is less than 2 years of age.
- In a forward-facing child seat, if the child weighs 30 pounds or more but less than 50 pounds, or is 2 years of age or older but less than 5 years of age.
- In a booster seat, if the child is 57 inches tall or less and weighs 50 pounds or more, or is 5 years of age or older but less than 8 years of age.

These provisions would replace current requirements in Section 710e, which would be struck. In that section, requirements are based on a child's age and height. (Generally, they apply to children less than 4 years of age, and children at least 4 years of age and under 8 years of age who are under 4 feet 9 inches in height.)

#### *Eliminate Annual Report*

House Bill 5689 would also remove from Section 710e a requirement that the Secretary of State engage an independent organization to conduct a study to determine the effect that the primary enforcement of the safety belt requirements has on the number of incidents of police harassment of motor vehicle operators. This requirement was added in 1999, when the law was made subject to primary enforcement, and required a report be made to the Legislature in 2001, and an annual report thereafter.

***"Inappropriate Enforcement"***

Currently, the act requires law enforcement agencies to investigate all reports of "police harassment" related to seat belt and child safety restraint system enforcement. Also, the act says, generally speaking, that it is the legislature's intent that enforcement no result in "harassment." The bill would replace the term "harassment" with "inappropriate enforcement."

***Waiver of Fines, etc.***

Under the act, the court can waive any civil fine, cost or assessment against a person who received a civil infraction citation for a violation if the person supplies the court with evidence of acquisition of a child seating system meeting the requirements of the Code. The bill would amend this provision to also require, for such a waiver, evidence that the person has received education from a certified child passenger safety technician.

The bill would take effect 180 days after being enacted into law.

**FISCAL IMPACT:**

The bill would have no fiscal impact on the Department of State, on the Department of State Police, or on local law enforcement agencies.

**POSITIONS:**

The Michigan State Police supports the bill. (6-1-16)

The Michigan Council for Maternal and child Health supports the bill. (6-1-16)

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