

# SENATE BILL No. 1089

September 21, 2016, Introduced by Senator CASPERSON 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

1 passenger is unable to wear a safety belt for physical or medical  
2 reasons.

3 (f) A motor vehicle that is not required to be equipped with  
4 safety belts under federal law.

5 (g) A commercial or United States ~~postal service~~ **POSTAL**  
6 **SERVICE** vehicle that makes frequent stops for the purpose of pickup  
7 or delivery of goods or services.

8 (h) A motor vehicle operated by a rural carrier of the United  
9 States ~~postal service~~ **POSTAL SERVICE** while serving his or her rural  
10 postal route.

11 (2) This section does not apply to a passenger of a school  
12 bus.

13 (3) Each operator and front seat passenger of a motor vehicle  
14 operated on a street or highway in this state shall wear a properly  
15 adjusted and fastened safety belt except as follows:

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

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

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

27 (5) Except as otherwise provided in subsection (3)(b), each

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

17 **(6) THE OPERATOR OF A MOTOR VEHICLE SHALL WEAR A LAP BELT, BUT**  
18 **IS NOT REQUIRED TO WEAR A SHOULDER HARNESS, IF THE OPERATOR IS**  
19 **OPERATING THE VEHICLE FOR THE PURPOSE OF PERFORMING ROAD**  
20 **CONSTRUCTION OR MAINTENANCE IN A WORK ZONE.**

21 **(7) ~~(6)~~**—If after December 31, 2005 the office of highway  
22 safety planning certifies that there has been less than 80%  
23 compliance with the safety belt requirements of this section during  
24 the preceding year, enforcement of this section by state or local  
25 law enforcement agencies shall be accomplished only as a secondary  
26 action when an operator of a motor vehicle has been detained for a  
27 suspected violation of another section of this act.

1           **(8)** ~~(7)~~—Failure to wear a safety belt in violation of this  
2 section may be considered evidence of negligence and may reduce the  
3 recovery for damages arising out of the ownership, maintenance, or  
4 operation of a motor vehicle. However, that negligence shall not  
5 reduce the recovery for damages by more than 5%.

6           **(9)** ~~(8)~~—A person who violates this section is responsible for  
7 a civil infraction.

8           **(10)** ~~(9)~~—A law enforcement agency shall conduct an  
9 investigation for all reports of police harassment that result from  
10 the enforcement of this section.

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

18           **(12)** ~~(11)~~—The secretary of state shall promote compliance with  
19 the safety belt requirements of this section at the branch offices  
20 and through any print or visual media determined appropriate by the  
21 secretary of state.

22           **(13)** ~~(12)~~—It is the intent of the legislature that the  
23 enforcement of this section be conducted in a manner calculated to  
24 save lives and not in a manner that results in the harassment of  
25 the citizens of this state.

26           **(14)** ~~(13)~~—Points shall not be assessed under section 320a for  
27 a violation of this section.

1           Enacting section 1. This amendatory act takes effect 90 days  
2 after the date it is enacted into law.