

# HOUSE BILL No. 5689

May 24, 2016, Introduced by Rep. Cox and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 2009 PA 57 and section 710e as amended by 2008 PA 43.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 710d. (1) Except as provided in this section, or as  
2 otherwise provided by law, a rule promulgated under the  
3 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
4 24.328, or federal regulation, each driver transporting a child  
5 ~~less than 4 years of age~~ in a motor vehicle shall properly secure  
6 that child in a child restraint system that meets the standards

1 prescribed in 49 CFR 571.213.

2 (2) A driver transporting a child as required under subsection  
3 (1) shall position the child in the child restraint system in a  
4 rear seat, if the vehicle is equipped with a rear seat. If all  
5 available rear seats are occupied by children, ~~less than 4 years of~~  
6 ~~age,~~ then a child ~~less than 4 years of age~~ may be positioned in the  
7 child restraint system in the front seat. A child in a rear-facing  
8 child restraint system may be placed in the front seat only if the  
9 front passenger air bag is deactivated. **IN ADDITION, A CHILD SHALL**  
10 **BE SEATED AND POSITIONED AS FOLLOWS:**

11 (A) IF THE CHILD WEIGHS NOT MORE THAN 30 POUNDS OR IS LESS  
12 THAN 2 YEARS OF AGE, IN A REAR-FACING CHILD SEAT.

13 (B) IF THE CHILD WEIGHS NOT LESS THAN 30 POUNDS BUT LESS THAN  
14 50 POUNDS, OR IS 2 YEARS OF AGE OR OLDER BUT LESS THAN 5 YEARS OF  
15 AGE, IN A FORWARD-FACING CHILD SEAT.

16 (C) IF THE CHILD IS NOT MORE THAN 57 INCHES TALL AND WEIGHS 50  
17 POUNDS OR MORE, OR IS 5 YEARS OF AGE OR OLDER BUT LESS THAN 8 YEARS  
18 OF AGE, IN A BOOSTER SEAT.

19 (3) This section does not apply if the motor vehicle being  
20 driven is a bus, school bus, taxicab, moped, motorcycle, or other  
21 motor vehicle not required to be equipped with safety belts under  
22 federal law or regulations.

23 (4) A person who violates this section is responsible for a  
24 civil infraction.

25 (5) Points shall not be assessed under section 320a for a  
26 violation of this section. An abstract required under section 732  
27 shall not be submitted to the secretary of state regarding a

1 violation of this section.

2 (6) The secretary of state may exempt by rules promulgated  
3 under the administrative procedures act of 1969, 1969 PA 306, MCL  
4 24.201 to 24.328, a class of children from the requirements of this  
5 section, if the secretary of state determines that the use of the  
6 child restraint system required under subsection (1) is impractical  
7 because of physical unfitness, a medical problem, or body size. The  
8 secretary of state may specify alternate means of protection for  
9 children exempted under this subsection.

10 Sec. 710e. (1) This section does not apply to an operator or  
11 passenger of any of the following:

12 (a) A motor vehicle manufactured before January 1, 1965.

13 (b) A bus.

14 (c) A motorcycle.

15 (d) A moped.

16 (e) A motor vehicle if the operator or passenger possesses a  
17 written verification from a physician that the operator or  
18 passenger is unable to wear a safety belt for physical or medical  
19 reasons.

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

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

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

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

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

6 ~~—— (a) A~~ **THAT A** child who is less than ~~4-8~~ years of age shall be  
7 protected as required in section 710d.

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

13 (4) If there are more passengers than safety belts available  
14 for use, and all safety belts in the motor vehicle are being  
15 utilized in compliance with this section, the operator of the motor  
16 vehicle is in compliance with this section.

17 (5) Except as otherwise provided in ~~subsection (3)(b),~~ **SECTION**  
18 **710D**, each operator of a motor vehicle transporting a child 4 years  
19 of age or older but less than 16 years of age in a motor vehicle  
20 shall secure the child in a properly adjusted and fastened safety  
21 belt and seated as required under this section. If the motor  
22 vehicle is transporting more children than there are safety belts  
23 available for use, all safety belts available in the motor vehicle  
24 are being utilized in compliance with this section, and the  
25 operator and all front seat passengers comply with subsection (3),  
26 the operator of a motor vehicle transporting a child 8 years of age  
27 or older but less than 16 years of age for which there is not an

1 available safety belt is in compliance with this subsection if that  
2 child is seated in other than the front seat of the motor vehicle.  
3 However, if that motor vehicle is a pickup truck without an  
4 extended cab or jump seats, and all safety belts in the front seat  
5 are being used, the operator may transport the child in the front  
6 seat without a safety belt.

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

14 (7) Failure to wear a safety belt in violation of this section  
15 may be considered evidence of negligence and may reduce the  
16 recovery for damages arising out of the ownership, maintenance, or  
17 operation of a motor vehicle. However, that negligence shall not  
18 reduce the recovery for damages by more than 5%.

19 (8) A person who violates this section is responsible for a  
20 civil infraction.

21 (9) A law enforcement agency shall conduct an investigation  
22 for all reports of police harassment that result from the  
23 enforcement of this section.

24 ~~— (10) The secretary of state shall engage an independent~~  
25 ~~organization to conduct a 3 year study to determine the effect that~~  
26 ~~the primary enforcement of this section has on the number of~~  
27 ~~incidents of police harassment of motor vehicle operators. The~~

1 ~~organization that conducts the study shall submit a report to the~~  
2 ~~legislature not later than June 30, 2001 and an annual report not~~  
3 ~~later than June 30 each year thereafter.~~

4 (10) ~~(11)~~—The secretary of state shall promote compliance with  
5 the safety belt requirements of this section at the branch offices  
6 and through any print or visual media determined appropriate by the  
7 secretary of state.

8 (11) ~~(12)~~—It is the intent of the legislature that the  
9 enforcement of this section be conducted in a manner calculated to  
10 save lives and not in a manner that results in the harassment of  
11 the citizens of this state.

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

14 Enacting section 1. This amendatory act takes effect 180 days  
15 after the date it is enacted into law.