

CHILD SAFETY RESTRAINT SYSTEMS AND OTHER SAFETY BELT AMENDMENTS

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House Bill 5559 as introduced
Sponsor: Rep. Laura Cox
Committee: Families, Children, and Seniors
Complete to 5-3-16

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

SUMMARY:

The bill would amend sections of the Michigan Vehicle Code dealing with mandatory safety belts and child safety restraints in motor vehicles. It would do the following:

** Revise the requirements for child safety restraint systems in Section 710d of the code. (MCL 257.710d)

** Repeal existing Section 710e, which contains general safety belt requirements, and move those provisions into Section 710d.

Child Restraint Systems

Under the Michigan Vehicle Code, a driver transporting a child less than four 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. In addition, 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. These provisions would be retained.

House Bill 5559 would amend the Vehicle Code to require that, in addition, a child be seated and positioned as follows:

- In a rear-facing child seat, if the child weighs 30 pounds or less or is less than two 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 less than 57 inches tall and weighs 50 pounds or more, or is five years old or older but less than 10 years of age.

These provisions would replace current requirements in Section 710e. In that section, which is being repealed, requirements are based on a child's age and height.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.)

The bill also allows the secretary of state to exempt by rule a class of children from the requirements of Section 7d based on a determination that the use of the child restraint system is impractical because of physical unfitness, a medical problem, or body size. The secretary of state could specify alternate means of protection for children being exempted.

Currently Section 710e says that the operator of a motor vehicle transporting a child 8 years of age or older but less than 16 years of age for which there is not an available safety belt is in compliance if the child is seated in other than the front seat of the vehicle. However, if the vehicle is a pickup truck without an extended cab or jump seats, then the child can be transported in the front seat without a safety belt. This provision appears to be eliminated under House Bill 5559.

Other Provisions: Moved from Sec. 710e to Sec. 710d

Other provisions in the bill, found on pages three through five, are already in current law in some form in Section 710e. As noted, that section would be repealed and the provisions moved to Section 710d.

Generally speaking, these provisions, as now, specify that: operators of motor vehicles and front seat passengers must wear properly adjusted and fastened safety belts; that operators transporting a child under 16 years of age must secure the child in a safety belt and seat them as required in the statute; a violation is a civil infraction, with no points assessed; AND failure to wear safety belt may be considered evidence of negligence and reduce recovery for damages, although not by more than 5%. Further, there are exemptions for certain classes of motor vehicles (buses, taxis, motorcycles, postal vehicles, etc.).

SOS Study on Harassment

The bill would also put into Section 710d the 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. The bill appears to renew the requirement and requires a report to the Legislature by June 30, 2016, and an annual report thereafter.

As now, the Vehicle Code would state that "It is the intent of the Legislature that the enforcement of this section be conducted in a manner calculated to save lives and not in a manner that results in the harassment of the citizens of this state." Law enforcement agencies are required to investigate all reports of police harassment resulting from enforcement of the safety belt and child restraint system requirements.

Primary/Secondary Enforcement

Another provision from 1999 made the safety belt requirements a primary enforcement law by adding a provision that could return it to a secondary enforcement law after 2005 based on compliance rates. House Bill 5599 would update that provision and place it in Section 710d.

FISCAL IMPACT:

The bill could have significant yet indeterminate costs for the Department of State if a new study on police harassment and enforcement is required. The department would have to contract with an independent organization for the required study on police harassment and enforcement. The department has stated it is unknown how much the exact costs would be but that the costs would be significant. In addition, the department would face an increased costs to update and provide new materials on the seat belt requirements at branch offices.

This exact cost is also unknown at this time and may be covered under current funding levels.

The bill would not have a fiscal impact on the Michigan State Police or local law enforcement.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.