A bill to amend 1949 PA 300, entitled "Michigan vehicle code,"
by amending sections 710d, 710e, and 907 (MCL 257.710d, 257.710e,
and 257.907), section 710d as amended by 2009 PA 57, section 710e
as amended by 2016 PA 460, and section 907 as amended by 2015 PA
126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 710d. (1) Except as provided in this section, or as
otherwise provided by law, a rule promulgated under the
administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
24.328, or federal regulation, each driver transporting a child
less than 4 years of age in a motor vehicle shall properly secure
that child in a child restraint system that meets the standards
prescribed in 49 CFR 571.213.

(2) A driver transporting a child as required under subsection (1) shall position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children, less than 4 years of age, then a child less than 4 years of age 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 air bag is deactivated. IN ADDITION, A CHILD SHALL BE SEATED AND POSITIONED AS FOLLOWS:

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

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

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

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

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

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

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

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

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

(b) A bus.

(c) A motorcycle.

(d) A moped.

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

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

(g) A commercial or United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(h) A motor vehicle operated by a rural carrier of the United States Postal Service while serving his or her rural postal route.

(2) This section does not apply to a passenger of a school
(3) Each operator and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt, except as follows:

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

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

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

(5) Except as otherwise provided in subsection (3)(b), SECTION 710D, each operator of a motor vehicle transporting a child 4-8 years of age or older but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt and seated as required under this section. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the operator and all front seat passengers comply with subsection (3), 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 with this subsection if that
child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the operator may transport the child in the front seat without a safety belt.

(6) The operator of a motor vehicle shall wear a lap belt, but is not required to wear a shoulder harness, if the operator is operating the vehicle for the purpose of performing road construction or maintenance in a work zone.

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

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

(9) A person who violates this section is responsible for a civil infraction.

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

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

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

(12) 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 
INAPPROPRIATE ENFORCEMENT of THIS SECTION AGAINST the citizens of 
this state.

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

Sec. 907. (1) A violation of this act, or a local ordinance 
substantially corresponding to a provision of this act, that is 
designated a civil infraction shall not be considered a lesser 
included offense of a criminal offense.

(2) If a person is determined under sections 741 to 750 to be 
responsible or responsible "with explanation" for a civil 
infraction under this act or a local ordinance substantially 
corresponding to a provision of this act, the judge or district 
court magistrate may order the person to pay a civil fine of not 
more than $100.00 and costs as provided in subsection (4). However,
if the civil infraction was a moving violation that resulted in an
at-fault collision with another vehicle, a person, or any other
object, the civil fine ordered under this section shall be
increased by $25.00 but the total civil fine shall not exceed
$100.00. However, for a violation of section 602b, the person shall
be ordered to pay costs as provided in subsection (4) and a civil
fine of $100.00 for a first offense and $200.00 for a second or
subsequent offense. For a violation of section 674(1)(s) or a local
ordinance substantially corresponding to section 674(1)(s), the
person shall be ordered to pay costs as provided in subsection (4)
and a civil fine of not less than $100.00 or more than $250.00. For
a violation of section 676c, the person shall be ordered to pay
costs as provided in subsection (4) and a civil fine of $1,000.00.
For a violation of section 328, the civil fine ordered under this
subsection shall be not more than $50.00. For a violation of
section 710d, the civil fine ordered under this subsection shall
not exceed $10.00, subject to subsection (12). For a violation of
section 710e, the civil fine and court costs ordered under this
subsection shall be $25.00. For a violation of section 682 or a
local ordinance substantially corresponding to section 682, the
person shall be ordered to pay costs as provided in subsection (4)
and a civil fine of not less than $100.00 or more than $500.00. For
a violation of section 240, the civil fine ordered under this
subsection shall be $15.00. For a violation of section 252a(1), the
civil fine ordered under this subsection shall be $50.00. For a
violation of section 676a(3), the civil fine ordered under this
section shall be not more than $10.00. For a first violation of
section 319f(1), the civil fine ordered under this section shall be not less than $2,500.00 or more than $2,750.00; for a second or subsequent violation, the civil fine shall be not less than $5,000.00 or more than $5,500.00. For a violation of section 319g(1)(a), the civil fine ordered under this section shall be not more than $10,000.00. For a violation of section 319g(1)(g), the civil fine ordered under this section shall be not less than $2,750.00 or more than $25,000.00. Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments, but unless permission is included in the order or judgment, the civil fine and costs shall be payable immediately.

(3) Except as provided in this subsection, if a person is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act while driving a commercial motor vehicle, he or she shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than $250.00.

(4) If a civil fine is ordered under subsection (2) or (3), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Costs shall not be ordered in excess of $100.00. A civil fine ordered under subsection (2) or (3) shall not be waived unless
costs ordered under this subsection are waived. Except as otherwise provided by law, costs are payable to the general fund of the plaintiff.

(5) In addition to a civil fine and costs ordered under subsection (2) or (3) and subsection (4) and the justice system assessment ordered under subsection (13), the judge or district court magistrate may order the person to attend and complete a program of treatment, education, or rehabilitation.

(6) A district court magistrate shall impose the sanctions permitted under subsections (2), (3), and (5) only to the extent expressly authorized by the chief judge or only judge of the district court district.

(7) Each district of the district court and each municipal court may establish a schedule of civil fines, costs, and assessments to be imposed for civil infractions that occur within the respective district or city. If a schedule is established, it shall be prominently posted and readily available for public inspection. A schedule need not include all violations that are designated by law or ordinance as civil infractions. A schedule may exclude cases on the basis of a defendant's prior record of civil infractions or traffic offenses, or a combination of civil infractions and traffic offenses.

(8) The state court administrator shall annually publish and distribute to each district and court a recommended range of civil fines and costs for first-time civil infractions. This recommendation is not binding upon the courts having jurisdiction over civil infractions but is intended to act as a normative guide.
for judges and district court magistrates and a basis for public
evaluation of disparities in the imposition of civil fines and
costs throughout the state.

(9) If a person has received a civil infraction citation for
defective safety equipment on a vehicle under section 683, the
court shall waive a civil fine, costs, and assessments upon receipt
of certification by a law enforcement agency that repair of the
defective equipment was made before the appearance date on the
citation.

(10) A default in the payment of a civil fine or costs ordered
under subsection (2), (3), or (4) or a justice system assessment
ordered under subsection (13), or an installment of the fine,
costs, or assessment, may be collected by a means authorized for
the enforcement of a judgment under chapter 40 of the revised
judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
under chapter 60 of the revised judicature act of 1961, 1961 PA
236, MCL 600.6001 to 600.6098.

(11) If a person fails to comply with an order or judgment
issued under this section within the time prescribed by the court,
the driver's license of that person shall be suspended under
section 321a until full compliance with that order or judgment
occurs. In addition to this suspension, the court may also proceed
under section 908.

(12) The court may waive any civil fine, cost, or assessment
against a person who received a civil infraction citation for a
violation of section 710d if the person, before the appearance date
on the citation, supplies the court with evidence of acquisition
purchase, or rental of a child seating system meeting the requirements of section 710d AND EVIDENCE THAT THE PERSON HAS RECEIVED EDUCATION FROM A CERTIFIED CHILD PASSENGER SAFETY TECHNICIAN.

(13) In addition to any civil fines or costs ordered to be paid under this section, the judge or district court magistrate shall order the defendant to pay a justice system assessment of $40.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.

(14) If a person has received a citation for a violation of section 223, the court shall waive any civil fine, costs, and assessment, upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation of section 223 occurred.

(15) If a person has received a citation for a violation of section 328(1) for failing to produce a certificate of insurance under section 328(2), the court may waive the fee described in section 328(3)(c) and shall waive any fine, costs, and any other fee or assessment otherwise authorized under this act upon receipt of verification by the court that the person, before the appearance
date on the citation, produced valid proof of insurance that was in
effect at the time the violation of section 328(1) occurred.
Insurance obtained subsequent to the time of the violation does not
make the person eligible for a waiver under this subsection.

(16) If a person is determined to be responsible or
responsible "with explanation" for a civil infraction under this
act or a local ordinance substantially corresponding to a provision
of this act and the civil infraction arises out of the ownership or
operation of a commercial quadricycle, he or she shall be ordered
to pay costs as provided in subsection (4) and a civil fine of not
more than $500.00.

(17) As used in this section, "moving violation" means an act
or omission prohibited under this act or a local ordinance
substantially corresponding to this act that involves the operation
of a motor vehicle and for which a fine may be assessed.

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