

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 333 (Substitute S-1 as reported)  
Senate Bill 334 (Substitute S-1 as reported)  
Sponsor: Senator George Z. Hart (S.B. 333)  
Senator Glenn D. Steil (S.B. 334)  
Committee: Transportation and Tourism

Date Completed: 3-27-01

### **RATIONALE**

Motor vehicle crashes remain the leading cause of unintentional injury-related death among children ages 14 and under, claiming 1,800 lives and resulting in more than 274,000 injuries yearly, according to the National SAFE KIDS Campaign, a nonprofit child advocacy group. When used correctly and consistently, child safety seats and seat belts can be effective in saving lives and preventing injuries. Reportedly, however, as many as 40% of children in the United States continue to ride unrestrained and four out of five children who use seat belts are secured improperly. While the reasons for misusing or not using child safety seats and seat belts vary, safety experts believe that a key factor is the weakness of state laws, which have gaps in coverage as to age and seating positions, as well as various exemptions. The SAFE KIDS Campaign recently graded state laws on whether they required age-appropriate child restraints and proper safety seat adjustments, among other safety criteria. In addition, state laws were compared with a model law designed by the organization. The SAFE KIDS Campaign gave Michigan a failing grade for its child safety restraint laws. Consequently, some people believe that these laws should be strengthened to provide maximum protection for children who are motor vehicle passengers.

### **CONTENT**

**The bills would amend the Michigan Vehicle Code to do the following:**

- **Require all children under four years of age to be secured in an approved child restraint system (car seat) in the rear seat of a vehicle.**
- **Delete the current exception to the car seat requirements for a child being nursed.**
- **Restrict the number of passengers in a vehicle to the number of available seat belts.**

The bills would take effect July 1, 2001.

### **Senate Bill 333 (S-1)**

Currently, except as otherwise provided in the Code, another law, a rule promulgated under the Administrative Procedures Act, or a Federal regulation, the Code requires a driver transporting a child less than four years of age to secure that child properly in a car seat that meets Federal motor vehicle safety standards for child restraint systems. Under the bill, the child would have to be in the rear seat of the vehicle, if it had one.

Currently, an abstract of the court record concerning a violation may not be submitted to the Secretary of State. The bill would require that an abstract of the court record regarding the violation be submitted to the Secretary of State.

### **Senate Bill 334 (S-1)**

The bill would delete provisions that a driver is in compliance with the Code's safety belt requirements, when he or she transports more passengers or children than safety belts available for use in a motor vehicle and when all safety belts are being used. The bill also would delete the prohibition against points being assessed for a violation the Code's safety belt provisions.

Currently, each driver and front seat passenger of a motor vehicle operated on a street or highway must wear a properly adjusted and fastened safety belt, except that a child less than four years of age must be properly secured in a child restraint system, as required under the Code. The bill would delete the current provision that if there are more passengers than safety belts available for use, and all safety belts in the motor vehicle are being used in compliance with the Code, the driver of the motor vehicle is in compliance with the Code.

The Code requires each driver of a motor vehicle transporting a child who is at least four years old but less than 16 to secure the child in a properly adjusted and fastened safety belt. If the motor vehicle is transporting more children than there are safety belts available for use, all available safety belts are being used in compliance with the Code, and the driver and all front seat passengers comply with the Code's requirement that they wear a properly adjusted and fastened safety belt, then the driver of that motor vehicle is in compliance with the Code, if a child is in a seat other than the front seat of the motor vehicle. If the 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 driver may transport a child in the front seat without a safety belt. The bill would delete the provisions that permit a child to be seated in a motor vehicle, including a pickup truck, without a safety belt when all safety belts are being used.

MCL 257.710d (S.B. 333)  
257.710e (S.B. 334)

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

According to the SAFE KIDS Campaign, Michigan's child occupant protection laws do not do a good job of protecting the State's children. The organization noted that while the law requires all children to be restrained in all seating positions in the same manner, it also allows some young children to ride in an inappropriate restraint when traveling in a motor vehicle. Despite efforts to improve traffic safety, Michigan still needs to ensure that children, the most vulnerable passengers, are provided maximum protection. By requiring that children under four years of age be secured properly in a car seat in the rear of a vehicle, and restricting the number of passengers in a vehicle, including children, to the number of seat belts that are available, the bills would strengthen current regulations to make them truly safe for children.

### **Supporting Argument**

Many mothers apparently find it possible to nurse their children while the mother and infant are safely restrained in the rear seat of a vehicle. By repealing the exemption to the Code's car seat requirements for nursing children, Senate Bill 333 (S-1) indicates a value for their safety while honoring the needs of mothers to care for their children.

### **Opposing Argument**

The bills are intrusive and represent a hasty reaction to a national advocacy organization that compared Michigan's child restraint laws with the group's model law for the nation.

Legislative Analyst: L. Arasim

## **FISCAL IMPACT**

State: The changes proposed in these bills would eliminate some of the exemptions to violations of Sections 710d and 710e of the Michigan Vehicle Code. Since no points may be awarded for violations of these sections, there would be no fiscal impact on the State.

Local: With fewer exemptions to the provisions of sections 710d and 710e, the revenue from civil fines could increase as more tickets were awarded. The number of violations of these sections is unknown so the fiscal impact is indeterminate. The revenue from civil infraction fines benefits local libraries.

Fiscal Analyst: J. Runnels

A0102\S333a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.