

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 333 (Substitute S-1 as passed by the Senate)
Senate Bill 334 (Substitute S-2 as passed by the Senate)
Sponsor: Senator George Z. Hart (S.B. 333)
Senator Glenn D. Steil (S.B. 334)
Committee: Transportation and Tourism

Date Completed: 9-17-01

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 old to be secured in an approved child restraint system (car seat) in the rear**

seat of a vehicle, if it had one.

- Delete the current exception to the car seat requirements for a child being nursed.**
- Restrict the number of passengers under 16 years old in a vehicle to the number of available seat belts.**
- Delete provisions allowing a child at least four years old to ride without a seat belt in the back seat if the number of passengers exceeds the number of seat belts.**

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, the car seat requirement does not apply to a child being nursed. The bill would remove that exception.

Senate Bill 334 (S-2)

Currently, each driver and front seat passenger of a motor vehicle 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. If there are more passengers than safety belts available for use, and all safety belts in the

motor vehicle are being used, the driver is in compliance with the Code. Under the bill, a driver would be in compliance with the Code if there were more passengers 16 years of age or older than safety belts available for use, and all safety belts were being used.

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 vehicle is transporting more children than there are safety belts available for use, all available safety belts are being used, and the driver and all front seat passengers are wearing a properly adjusted and fastened safety belt, then the driver is in compliance with this requirement, if a child at least four years old for whom there is no seat belt 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 at least four years old 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 children in a vehicle to the number of seat

belts that are available, the bills would strengthen current regulations to make them truly safe for children.

Supporting Argument

Although the Vehicle Code requires children under four to be in car seats, it makes an exception for children being nursed. This exception unnecessarily jeopardizes children who are breast-feeding. Although a nursing mother might be wearing a seat belt and holding the child in a sling, the child undeniably is not as safe as he or she would be in a car seat. While the present law recognizes the importance of breast-feeding, protecting the life of all children is paramount. The bill would not prevent breast-feeding in vehicles, however, since some mothers are able to nurse children who are in rear-facing car seats. By removing the present exception, the bill would ensure that all children under four, including those being nursed, received the protection of a car seat.

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: S. Lowe

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

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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.