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Senate Bills 333, 334, 335 and 336 (as introduced 3-15-01)
Sponsor: Senator George Z. Hart (S.B. 333)
 Senator Glenn D. Steil (S.B. 334)
 Senator Bill Bullard, Jr. (S.B. 335 and 336)
Committee: Transportation and Tourism

Date Completed: 3-20-01

CONTENT

Senate Bills 333 through 336 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 in the rear of a vehicle.**
- **Restrict the number of passengers in a vehicle to the number of available seat belts.**
- **Require that two points be assessed for seat belt and child restraint system violations.**
- **Increase the amount of fine and court costs for violations of the safety belt and child restraint requirements.**

Senate Bill 333

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 in a motor vehicle a child less than four years of age to secure that child properly in a child restraint system 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. The bill also would delete the current exception to the child restraint system requirement for a child being nursed.

Currently, points may not be assessed for a violation of this provision, and an abstract of the court record concerning the violation may not be submitted to the Secretary of State. The bill would require that two points be assessed for a violation of the child restraint requirement, and that an abstract of the court record concerning the violation be submitted to the Secretary of State.

Senate Bill 334

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 in compliance with the Code. 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 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.

Senate Bill 335

The bill would require that two points be assessed for a violation of the Code's provisions, or an ordinance substantially corresponding to these provisions, that require the following: a child under four years of age to be secured in a child restraint system; safety belts to be used by a driver and front seat passenger; and a driver transporting a child who is at least four but under 16 to secure the child in a properly adjusted and fastened safety belt. The Code currently prohibits points from being assessed for a violation of these requirements.

Senate Bill 336

The bill would increase the fines for violations of the Code's safety belt and child restraint requirements.

Currently, a civil fine may not exceed \$10 for a violation of the Code's requirement that a child under four be secured properly in a child restraint system. The bill provides that for a violation of this requirement, the civil fine and court costs would be \$80. The bill also would increase from \$25 to \$80 the civil fine and court costs ordered for a violation of the Code's safety belt requirements.

MCL 257.710d (S.B. 333)
257.710e (S.B. 334)
257.320a (S.B. 335)
257.907 (S.B. 336)

Legislative Analyst: L. Arasim

FISCAL IMPACT

The changes proposed in Senate Bills 333-336 could result in a greater number of points being assessed against drivers and, thus, more people would have their driver license revoked as they would exceed the point limit more frequently. Fee revenue from the reinstatement of driver licenses could increase. Since it is unknown how many people act contrary to the current and proposed requirements, the increase is indeterminate. The fee for reinstatement of a driver license is \$125 and benefits the Department of State and the Department of Transportation Economic Development Fund, the Drunk Driving Prevention Equipment and Training Fund, and the Drunk Driving Case Flow Assistance Fund.

The civil fine for a violation of the child restraint requirements would increase from \$10 to \$80 and the civil fine for a violation of the safety belt requirements would increase from \$25 to \$80. Since the number of new violations that would result from the proposed changes is unknown, the additional revenue from these fine increases is indeterminate. Revenue from civil fines benefits local units of government: 70% of the fine to the local authority and 30% for local library purposes.

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.