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Senate Bills 993 through 997 (as introduced 2-17-04)

Sponsor: Senator Wayne Kuipers (S.B. 993)  
Senator Patricia L. Birkholz (S.B. 994)  
Senator Tom George (S.B. 995)  
Senator Raymond E. Basham (S.B. 996)  
Senator Michelle A. McManus (S.B. 997)

Committee: Transportation

Date Completed: 9-28-04

## **CONTENT**

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

- Require the Secretary of State (SOS) to assign two points to the record of a driver who violated specific safety belt and child restraint laws.**
- Provide that, if there were more passengers in a motor vehicle than there were safety belts available for use, the driver would be in compliance with the Code only if the passengers were at least 16 years old.**
- Allow a court to waive a civil fine or assessment against a person who received a civil infraction citation for violating a specified child restraint law if he or she supplied the court with evidence of acquisition, purchase, or rental of a child seating system.**
- Prescribe a civil fine and court costs for transporting passengers younger than 16 in violation of child safety restraint or seat belt requirements.**
- Add booster seat and safety belt requirements for children weighing 40 to 80 pounds or up to four feet, nine inches tall.**

The bills are described below in further detail.

### **Senate Bill 993**

The bill would require the SOS to assign two points to the driving record of a driver who violated Section 710d or 710e of the Michigan Vehicle Code. Under Section 710d, each driver transporting a child under the age of four in a motor vehicle must secure the child properly in a child restraint system that meets the standards prescribed in 49 CFR 571.213, which specifies requirements for child restraint systems used in motor vehicles and aircraft. (The standard defines "child restraint system" as any device other than a seat belt designed for use in a motor vehicle or aircraft to restrain, seat, or position children who weigh 50 pounds or less.)

Under Section 710e, each driver and front seat passenger of a motor vehicle must wear a properly adjusted and fastened safety belt (except a child under age four must be protected as described above). That section also provides that, if there are more passengers than safety belts available for use, and all safety belts are being used in compliance with the

Code, the driver is in compliance with the Code. (Section 710e would be amended by Senate Bills 994 and 997, as described below.)

The bill would delete a provision under which points may not be assessed for a violation of Section 710d or 710e, and an abstract stating that a person was found responsible for those violations may not be sent to the SOS.

#### **Senate Bill 994**

The bill would amend Section 710e(4) to provide that, if there were more passengers than safety belts available for use, the driver would be in compliance with the Code only if the passengers were at least 16 years old.

Currently, each driver of a motor vehicle transporting a child between the ages of four and 16 must 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 each driver and front seat passenger is wearing a properly adjusted and fastened safety belt, and a child for whom there is not an available safety belt is not seated in the front seat, the driver is in compliance with the Code. A driver may transport a child between the ages of four and 16 in the front seat without a safety belt if the vehicle is a pickup truck without an extended cab or jump seat, and all safety belts in the front seat are being used. The bill would delete the provisions allowing a child to ride unrestrained if there are no seatbelts available.

#### **Senate Bill 995**

The bill would permit a court to waive any civil fine, cost, or assessment against a person who received a civil infraction citation for a violation of Section 710e(3) if the person supplied the court with evidence of acquisition, purchase, or rental of a proper child seating system before the appearance date on the citation. (Section 710e(3) would be amended by Senate Bill 997, as described below.)

#### **Senate Bill 996**

The bill would prescribe a civil fine and court costs of \$80 for a person who was determined to be responsible or responsible "with explanation" for a civil infraction for a violation of Section 710d or Section 710e(4).

Currently, an individual must pay a civil fine and court costs of \$25 for violating Section 710e. Under the bill, the \$25 fine would apply to a violation of 710e(3) (which Senate Bill 997 would amend).

#### **Senate Bill 997**

Section 710e(3) of the Code requires a driver and front seat passenger to wear a properly adjusted and fastened safety belt. The bill would add that a child weighing between 40 and 80 pounds, or a child who was up to four feet, nine inches tall would have to be seated in a manufacturer-certified booster seat and secured by a safety belt. The bill specifies that a child younger than four would have to be protected as required under Section 710d.

MCL 257.320a et al. (S.B. 993)  
257.710e (S.B. 994)  
257.907 (S.B. 995)  
257.907 (S.B. 996)  
257.710e (S.B. 997)

Legislative Analyst: Julie Koval

## **FISCAL IMPACT**

### **Senate Bill 993**

The bill would result in additional costs to the Department of State and local courts related to assessing points and abstracting convictions. No Statewide data are available regarding the number of seat belt citations issued.

In calendar year 2003, the Michigan State Police issued 36,916 seat belt citations and 6,742 warnings. Those numbers include child restraint violations, which are not separately reported by the State Police.

### **Senate Bill 994**

The bill would have an indeterminate impact on the number of violations of Section 710e.

### **Senate Bill 995**

The bill would have an indeterminate fiscal impact. There are no data to indicate the amount of fines, costs, and assessments that are ordered each year for violations of Section 710e(3). By allowing fines, costs, and assessments to be waived for violations of this section, the bill likely would reduce civil fine revenue dedicated to public libraries, court cost revenue to local court funding units, and justice system assessment revenue which supports a number of activities of the Michigan State Police, the Department of Corrections, the judiciary, and county sheriffs.

### **Senate Bill 996**

The bill would have an indeterminate fiscal impact. There are no data to indicate the amount of fines or costs that are assessed each year for the relevant violations. By increasing the civil fine and court costs from \$25 to \$80, the bill would increase civil fine revenue dedicated to public libraries as well as court cost revenue to local court funding units.

### **Senate Bill 997**

The bill would have an indeterminate impact on the number of violations issued under Section 710e.

Fiscal Analyst: Bill Bowerman  
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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.