

# HOUSE BILL No. 4200

February 12, 2003, Introduced by Rep. Kolb and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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

4       (b) A bus.

5       (c) A motorcycle.

6       (d) A moped.

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

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

3 (g) A commercial or United States postal service vehicle that  
4 makes frequent stops for the purpose of pickup or delivery of  
5 goods or services.

6 (h) A motor vehicle operated by a rural carrier of the United  
7 States postal service while serving his or her rural postal  
8 route.

9 (2) This section does not apply to a passenger of a school  
10 bus.

11 (3) ~~Each~~ **Subject to the exceptions in this subsection, each**  
12 driver and front seat passenger of a motor vehicle operated on a  
13 street or highway in this state shall wear a properly adjusted  
14 and fastened safety belt ~~—, except that a child less than 4 years~~  
15 ~~of age shall be protected as required in section 710d.—~~ **except as**  
16 **follows:**

17 (a) **A child less than 4 years of age shall be protected as**  
18 **required in section 710d.**

19 (b) **A child who is more than 4 years of age but less than 9**  
20 **years of age and weighing at least 40 pounds but not more than 80**  
21 **pounds and a child that is not more than 4 feet 9 inches in**  
22 **height shall be seated in a manufacturer certified booster seat**  
23 **and secured by a seat belt.**

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

1           (5) ~~-(4)-~~ Each driver of a motor vehicle transporting a child  
2 4 years of age or more but less than 16 years of age in a motor  
3 vehicle shall secure the child in a properly adjusted and  
4 fastened safety belt. If the motor vehicle is transporting more  
5 children than there are safety belts available for use, all  
6 safety belts available in the motor vehicle are being utilized in  
7 compliance with this section, and the driver and all front seat  
8 passengers comply with subsection (3), then the driver of a motor  
9 vehicle transporting a child 4 years of age or more but less than  
10 16 years of age for which there is not an available safety belt  
11 is in compliance with this subsection, if that child is seated in  
12 other than the front seat of the motor vehicle. However, if that  
13 motor vehicle is a pickup truck without an extended cab or jump  
14 seats, and all safety belts in the front seat are being used, the  
15 driver may transport such a child in the front seat without a  
16 safety belt.

17           (6) ~~-(5)-~~ If after December 31, 2005 the office of highway  
18 safety planning certifies that there has been less than 80%  
19 compliance with the safety belt requirements of this section  
20 during the preceding year, then enforcement of this section by  
21 state or local law enforcement agencies shall be accomplished  
22 only as a secondary action when a driver of a motor vehicle has  
23 been detained for a suspected violation of another section of  
24 this act.

25           (7) ~~-(6)-~~ Failure to wear a safety belt in violation of this  
26 section may be considered evidence of negligence and may reduce  
27 the recovery for damages arising out of the ownership,

1 maintenance, or operation of a motor vehicle. However, such  
2 negligence shall not reduce the recovery for damages by more than  
3 5%.

4 (8) ~~-(7)-~~ A person who violates this section is responsible  
5 for a civil infraction.

6 (9) ~~-(8)-~~ A law enforcement agency shall conduct an  
7 investigation for all reports of police harassment that result  
8 from the enforcement of this section.

9 (10) ~~-(9)-~~ The secretary of state shall engage an independent  
10 organization to conduct a 3-year study to determine the effect  
11 that the primary enforcement of this section has on the number of  
12 incidents of police harassment of drivers. The organization that  
13 conducts the study shall submit a report to the legislature not  
14 later than June 30, 2001 and an annual report not later than June  
15 30 each year thereafter.

16 (11) ~~-(10)-~~ The secretary of state shall promote compliance  
17 with the safety belt requirements of this section at the branch  
18 offices and through any print or visual media determined  
19 appropriate by the secretary of state.

20 (12) ~~-(11)-~~ The secretary of state shall conduct a study with  
21 the cooperation and contribution of the directors of the  
22 department of state police, the department of community health,  
23 the state transportation department, and the insurance bureau to  
24 analyze the monetary savings, if any, arising from the enactment  
25 of the amendatory act that added this subsection. The secretary  
26 of state shall report the findings of the study to all of the  
27 following not later than May 1, 2000:

1 (a) The senate and house of representatives appropriations  
2 committees.

3 (b) The senate and house of representatives fiscal agencies.

4 **(13)** ~~-(12)-~~ It is the intent of the legislature that the  
5 enforcement of this section be conducted in a manner calculated  
6 to save lives and not in a manner that results in the harassment  
7 of the citizens of this state.

8 **(14)** ~~-(13)-~~ Points shall not be assessed under section 320a  
9 for a violation of this section.

10 Enacting section 1. This amendatory act takes effect April  
11 1, 2004.

12 Enacting section 2. This amendatory act does not take  
13 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4210  
14 (request no. 00927'03) of the 92nd Legislature is enacted into  
15 law.