

HOUSE BILL No. 4153

February 2, 2005, Introduced by Reps. Kolb, Condino, Tobocman, Meisner and Lemmons, III 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 passenger
9 is unable to wear a safety belt for physical or medical 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 goods
5 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 route.

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

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

15 **(A) A CHILD LESS THAN 4 YEARS OF AGE SHALL BE PROTECTED AS**
16 **REQUIRED IN SECTION 710D.**

17 **(B) A CHILD WHO IS MORE THAN 4 YEARS OF AGE BUT LESS THAN 9**
18 **YEARS OF AGE AND WEIGHING AT LEAST 40 POUNDS BUT NOT MORE THAN 80**
19 **POUNDS AND A CHILD THAT IS NOT MORE THAN 4 FEET 9 INCHES IN HEIGHT**
20 **SHALL BE SEATED IN A MANUFACTURER CERTIFIED BOOSTER SEAT AND**
21 **SECURED BY A SEAT BELT.**

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

26 (5) ~~-(4)-~~ Each driver of a motor vehicle transporting a child
27 4 years of age or more but less than 16 years of age in a motor

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

14 (6) ~~-(5)-~~ If after December 31, 2005 the office of highway
15 safety planning certifies that there has been less than 80%
16 compliance with the safety belt requirements of this section during
17 the preceding year, then enforcement of this section by state or
18 local law enforcement agencies shall be accomplished only as a
19 secondary action when a driver of a motor vehicle has been detained
20 for a suspected violation of another section of this act.

21 (7) ~~-(6)-~~ Failure to wear a safety belt in violation of this
22 section may be considered evidence of negligence and may reduce the
23 recovery for damages arising out of the ownership, maintenance, or
24 operation of a motor vehicle. However, such negligence shall not
25 reduce the recovery for damages by more than 5%.

26 (8) ~~-(7)-~~ A person who violates this section is responsible
27 for a civil infraction.

1 (9) ~~-(8)-~~ A law enforcement agency shall conduct an
2 investigation for all reports of police harassment that result from
3 the enforcement of this section.

4 (10) ~~-(9)-~~ The secretary of state shall engage an independent
5 organization to conduct a 3-year study to determine the effect that
6 the primary enforcement of this section has on the number of
7 incidents of police harassment of drivers. The organization that
8 conducts the study shall submit a report to the legislature not
9 later than June 30, 2001 and an annual report not later than June
10 30 each year thereafter.

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

15 (12) ~~-(11)-~~ The secretary of state shall conduct a study with
16 the cooperation and contribution of the directors of the department
17 of state police, the department of community health, the state
18 transportation department, and the insurance bureau to analyze the
19 monetary savings, if any, arising from the enactment of ~~the~~
20 ~~amendatory act that added this subsection~~ **1999 PA 29**. The secretary
21 of state shall report the findings of the study to all of the
22 following not later than May 1, 2000:

23 (a) The senate and house of representatives appropriations
24 committees.

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

26 (13) ~~-(12)-~~ It is the intent of the legislature that the
27 enforcement of this section be conducted in a manner calculated to

1 save lives and not in a manner that results in the harassment of
2 the citizens of this state.

3 (14) ~~-(13)-~~ Points shall not be assessed under section 320a
4 for a violation of this section.

5 Enacting section 1. This amendatory act takes effect April 1,
6 2006.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No. _____ or House Bill No. 4152(request no.
9 00555'05) of the 93rd Legislature is enacted into law.