

HOUSE BILL No. 5007

July 17, 2003, Introduced by Reps. Huizenga, Kooiman, Stahl, DeRossett, Caul, Voorhees, Palmer, Ward, Sheen, Wenke, Steil, LaJoy, Ehardt, Hoogendyk, Brandenburg, Meyer, Acciavatti, Tobocman, Gleason and Elkins 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. **As used in this subdivision, "frequent stops"**
6 **means a series of stops with at least 1 stop in the series for**
7 **every mile of travel.**

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

11 (2) This section does not apply to a passenger of a school
12 bus.

13 (3) Each driver and front seat passenger of a motor vehicle
14 operated on a street or highway in this state shall wear a
15 properly adjusted and fastened safety belt, except that a child
16 less than 4 years of age shall be protected as required in
17 section 710d. If there are more passengers than safety belts
18 available for use, and all safety belts in the motor vehicle are
19 being utilized in compliance with this section, the driver of the
20 motor vehicle is in compliance with this section.

21 (4) Each driver of a motor vehicle transporting a child
22 4 years of age or more but less than 16 years of age in a motor
23 vehicle shall secure the child in a properly adjusted and
24 fastened safety belt. If the motor vehicle is transporting more
25 children than there are safety belts available for use, all
26 safety belts available in the motor vehicle are being utilized in
27 compliance with this section, and the driver and all front seat

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

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

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

24 (7) A person who violates this section is responsible for a
25 civil infraction.

26 (8) A law enforcement agency shall conduct an investigation
27 for all reports of police harassment that result from the

1 enforcement of this section.

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

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

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

21 (a) The senate and house of representatives appropriations
22 committees.

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

24 (12) It is the intent of the legislature that the enforcement
25 of this section be conducted in a manner calculated to save lives
26 and not in a manner that results in the harassment of the
27 citizens of this state.

1 (13) Points shall not be assessed under section 320a for a
2 violation of this section.