

HOUSE BILL No. 5579

January 24, 2006, Introduced by Reps. Angerer, Gleason, Clemente, Mayes, Leland, Virgil Smith, Donigan, Tobocman, Plakas, Kathleen Law 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~~ **THE**
2 **OPERATOR** or 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~~ **OPERATOR** or passenger
8 possesses a written verification from a physician that the ~~driver~~
9 **OPERATOR** or passenger is unable to wear a safety belt for physical

1 or medical reasons.

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

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

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

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

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

19 (4) Each ~~driver~~ **OPERATOR** of a motor vehicle transporting ~~a~~
20 ~~child~~ **AN INDIVIDUAL** 4 years of age or ~~more~~ **OLDER** but less than
21 ~~16~~ **18** years of age in a motor vehicle shall secure the ~~child~~
22 **INDIVIDUAL** in a properly adjusted and fastened safety belt. If the
23 motor vehicle is transporting more ~~children~~ **INDIVIDUALS 4 YEARS**
24 **OF AGE OR OLDER BUT LESS THAN 18 YEARS OF AGE** than there are safety
25 belts available for use, all safety belts available in the motor
26 vehicle are being utilized in compliance with this section, and the
27 ~~driver~~ **OPERATOR** and all front seat passengers comply with

1 subsection (3), then the ~~driver~~ **OPERATOR** of a motor vehicle
2 transporting ~~a child~~ **AN INDIVIDUAL** 4 years of age or ~~more~~ **OLDER**
3 but less than ~~16~~ **18** years of age for which there is not an
4 available safety belt is in compliance with this subsection, if
5 that ~~child~~ **INDIVIDUAL** is seated in other than the front seat of
6 the motor vehicle. However, if that motor vehicle is a pickup truck
7 without an extended cab or jump seats, and all safety belts in the
8 front seat are being used, the ~~driver~~ **OPERATOR** may transport
9 ~~such a child~~ **THE INDIVIDUAL** in the front seat without a safety
10 belt.

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

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

24 (7) ~~A person~~ **AN INDIVIDUAL** who violates this section is
25 responsible for a 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 that
4 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 and
11 through any print or visual media determined appropriate by the
12 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 of~~
15 ~~state police, the department of community health, the state~~
16 ~~transportation department, and the insurance bureau to analyze the~~
17 ~~monetary savings, if any, arising from the enactment of the~~
18 ~~amendatory act that added this subsection. The secretary of state~~
19 ~~shall report the findings of the study to all of the following not~~
20 ~~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 (11) ~~—(12)—~~ It is the intent of the legislature that the
25 enforcement of this section be conducted in a manner calculated to
26 save lives and not in a manner that results in the harassment of
27 the citizens of this state.

1 **(12)** ~~-(13)-~~ Points shall not be assessed under section 320a
2 for a violation of this section.