

SENATE BILL No. 183

February 10, 2005, Introduced by Senators McMANUS, KUIPERS, BIRKHOLZ, GEORGE, LELAND, HAMMERSTROM, GARCIA, ALLEN and GOSCHKA 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~~
13 ~~4 years of age shall be protected as required in section 710d.~~

14 **EXCEPT AS FOLLOWS:**

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

17 (B) EXCEPT AS PROVIDED IN SUBDIVISION (A), A CHILD LESS THAN 8
18 YEARS OF AGE OR NOT MORE THAN 4 FEET 9 INCHES IN HEIGHT SHALL BE
19 SEATED IN A BOOSTER SEAT CERTIFIED BY THE MANUFACTURER TO COMPLY
20 WITH FEDERAL LAW AND SECURED BY A SAFETY BELT.

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

25 (5) ~~—(4)—~~ Each driver of a motor vehicle transporting a child
26 4 years of age or more but less than 16 years of age in a motor
27 vehicle shall secure the child in a properly adjusted and fastened

1 safety belt. If the motor vehicle is transporting more children
2 than there are safety belts available for use, all safety belts
3 available in the motor vehicle are being utilized in compliance
4 with this section, and the driver and all front seat passengers
5 comply with subsection (3), ~~then~~ the driver of a motor vehicle
6 transporting a child 4 years of age or more but less than 16 years
7 of age for which there is not an available safety belt is in
8 compliance with this subsection ~~—~~ if that child is seated in
9 other than the front seat of the motor vehicle. However, if that
10 motor vehicle is a pickup truck without an extended cab or jump
11 seats, and all safety belts in the front seat are being used, the
12 driver may transport ~~such a~~ **THE** child in the front seat without a
13 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~~ **THAT** negligence shall
25 not 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 ~~—— (11) The secretary of state shall conduct a study with the~~
 16 ~~cooperation and contribution of the directors of the department of~~
 17 ~~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. The secretary of state~~
 21 ~~shall report the findings of the study to all of the following not~~
 22 ~~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 (12) It is the intent of the legislature that the enforcement
 27 of this section be conducted in a manner calculated to save lives

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

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