

SENATE BILL No. 1383

June 17, 2008, Introduced by Senators KAHN and VAN WOERKOM 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.

10 (f) A motor vehicle that is not required to be equipped with

1 safety belts under federal law.

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

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

7 **(I) AN INDIVIDUAL WHO IS EMPLOYED TO DELIVER NEWSPAPERS,**
8 **ADVERTISING MATERIAL, OR PERIODICALS AND WHO, IN THE COURSE OF THAT**
9 **DELIVERY, IS MAKING FREQUENT STOPS. FOR PURPOSES OF THIS**
10 **SUBDIVISION, "FREQUENT STOPS" MEANS A SERIES OF STOPS WITH AT LEAST**
11 **1 STOP WITHIN EVERY 1/2 MILE OF TRAVEL.**

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (13) Points shall not be assessed under section 320a for a

1 violation of this section.