

Legislative Analysis



CHILD SAFETY RESTRAINT SYSTEMS

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<http://www.house.mi.gov/hfa>

House Bill 4511 as introduced
Sponsor: Rep. Carrie A. Rheingans

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4512 (proposed substitute H-1)
Sponsor: Rep. John Fitzgerald

Committee: Transportation, Mobility and Infrastructure
Complete to 9-18-23

SUMMARY:

House Bills 4511 and 4512 would amend the Michigan Vehicle Code to revise the requirements for child safety restraint systems (car seats and booster seats).¹

Currently under sections 710d and 710e of the code, a driver transporting a child who is under four years old must properly secure that child in a child restraint system that meets federal standards. The child must be positioned in a rear seat, if the vehicle has a rear seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger air bag is deactivated. In addition, a child who is four to seven years old and who is less than four feet nine inches tall also must be properly secured in a child restraint system.

House Bill 4511 would amend the provisions described above to apply to children who are 12 years old and younger. Specifically, the bill would require a driver transporting a child to properly secure that child in a child restraint system that meets federal standards. The child would have to be positioned in the child restraint system in a rear seat, if the vehicle has a rear seat and not all the rear seats are taken by children. A child in a rear-facing child restraint system could be placed in the front seat only if the front passenger air bag is deactivated. A child would have to be seated and positioned in a child restraint system as follows:

- A child would have to be restrained in a rear-facing child seat until the child meets either of the following:
 - Is at least two years old.
 - Has reached the weight or height limit of the rear-facing child restraint system set by the manufacturer.
- After meeting either of the above, the child would have to be restrained in a forward-facing child restraint system with an internal harness until the child meets either of the following:
 - Is at least five years old.
 - Has reached the weight or height limit of the forward-facing child restraint system set by the manufacturer.
- After meeting either of the above requirements, the child would have to be restrained in a belt-positioning child booster seat secured with a lap-shoulder safety belt until the child meets either of the following:
 - Is at least eight years old.
 - Is at least four feet nine inches tall.

¹For a description of car seat types, see: <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats>

A child secured in a restraint system would have to be secured in one that was appropriate for the child's weight and height and configured according to the restraint system manufacturer's instructions and the vehicle manufacturer's instructions and the standards prescribed by 49 CFR 571.213.²

A child who is at least eight years old or at least four feet nine inches tall, but who is under 13 years old, would have to be restrained with a properly adjusted and fastened safety belt. They would have to be positioned in a rear seat, if the vehicle has a rear seat and not all the rear seats are taken by children. They could be restrained in a belt-positioning child booster seat, as described above, until they reach the weight or height limit set by the seat's manufacturer.

Current law requires a driver transporting a child under 16 who does not have to ride in a car seat or booster seat (i.e., they are at least four foot nine and at least eight years old) to secure the child in a properly adjusted and fastened safety belt. Under House Bill 4511, this requirement would apply to a child who is at least 13 but under 16 years old.

House Bill 4511 also would eliminate a requirement that the secretary of state engage an independent organization to conduct a study to determine the effect of the primary enforcement of the seat belt law on the number of incidents of police harassment of motor vehicle operators. This requirement was added in 1999, when the seat belt law was made subject to primary enforcement, and required a report to be made to the legislature by June 30, 2001, and annually thereafter. The bill would revise related provisions to refer to "inappropriate enforcement" of the seat belt law, rather than "police harassment."

MCL 257.710d and 257.710e

House Bill 4512 would amend section 907 of the Michigan Vehicle Code, which allows the court to waive any civil fine, cost, or assessment against a person who received a civil infraction citation for violation of the child restraint system requirements if the person provides evidence of acquiring, purchasing, or renting a child restraint system meeting those requirements before the appearance date on the citation.

Under the bill, the person also would have to provide evidence that they received education from a certified child passenger safety technician. In addition, where the act refers to a person providing evidence of acquiring, purchasing, or renting a proper child restraint system, the bill would refer only to evidence of acquisition.

MCL 257.907

Each bill would take effect 180 days after its enactment. Neither bill could take effect unless both bills were enacted.

BACKGROUND:

The proposed H-1 substitute for HB 4512 is a "conflict substitute" that makes no substantive changes but updates the section of law being amended to include changes made to that section by a recent amendatory act (2023 PA 40). Generally speaking, conflict substitutes resolve

²See <https://www.govinfo.gov/content/pkg/CFR-2011-title49-vol6/pdf/CFR-2011-title49-vol6-sec571-213.pdf>

potential conflicts between different bills that amend the same section of law. Without a substitute that takes both bills into account, the last bill signed into law would overwrite and undo the changes made by the earlier one.

FISCAL IMPACT:

House Bills 4511 and 4512 would not have a direct fiscal impact on the Michigan State Police or state government. There could be potential implementation costs associated with raising public awareness of the changes in law regarding child safety seats through mailings, social media, or other media. However, there is no such requirement to do so in the bill.

House Bill 4512 would have an indeterminate fiscal impact on local units of government. The fiscal impact would depend on the number of civil fines that are waived. Under Section 909 of the Michigan Vehicle Code, revenue from the civil fine is required to be applied exclusively to the support of public and county law libraries. A decrease in the number of fines ordered, and a subsequent decrease in the amount of revenue collected, means a decreased amount of funding made available for support of public and county law libraries.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.