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House Bill 4511 (as passed by the House)
House Bill 4512 (Substitute H-1 as passed by the House)
Sponsor: Representative Carrie A. Rheingans (H.B. 4511)
Representative John Fitzgerald (H.B. 4512)
House Committee: Transportation, Mobility and Infrastructure
Senate Committee: Transportation and Infrastructure

Date Completed: 2-5-24

CONTENT

House Bill 4511 would amend the Michigan Vehicle Code to do the following:

- **Apply current requirements for child restraint systems for children under four years of age to children under eight years of age.**
- **Apply current requirements for safety belts for children between the ages of four and 16 to children between the ages of 13 to 16.**
- **Prescribe new requirements for the seating and positioning of children in child restraint systems based on height and weight, as set by the child restraint systems' manufacturers, and age.**

House Bill 4512 (H-1) would amend the Michigan Vehicle Code to allow a court to waive any civil fine, cost, or assessment against an individual who received a civil infraction for a violation of child restraint system requirements if the individual, in addition to current requirements, showed evidence that the individual had received education from a certified child passenger safety technician.¹

The bills are tie-barred, and each bill would take effect 180 days after its enactment. House Bill 4511 is discussed in further detail below.

House Bill 4511

Child Restraint Systems

Among other things, the Code prescribes restraint system requirements for child passengers. Generally, a driver transporting a child under the age of four must secure that child in a restraint system that meets the safety standards outlined in 49 CFR 571.213.² The driver must position the child in a child restraint system in a rear seat, if applicable. If all available rear seats are occupied by children less than four years of age, and the front passenger seat air bag has been deactivated, the driver may secure a child less than four years of age in a child restraint system in the front passenger seat.

¹ Currently, a court may waive any civil fine, cost, or assessment against an individual if the individual, before the appearance date on the citation, supplied the court with evidence of the acquisition, purchase, or rental of a child seating system that met child restraint system requirements.

² 49 CFR 571.213 prescribes safety requirements for child restraint systems, including rear- and forward-facing car seats, booster seats, and car beds. For a description of various child restraint systems, see <https://www.nhtsa.gov/vehicle-safety/car-seats-and-booster-seats>.

The bill would delete references to children *less than four years of age* and apply these requirements to children under the age of eight. Additionally, it would add requirements for the seating and positioning of children in child restraint systems based on height, weight, and age. A child would have to be restrained in a rear-facing child restraint system until the child met either of the following conditions:

- The child reached the weight or height limit of the rear-facing child restraint system set by the manufacturer.
- The child was two years of age or older.

A child who outgrew a rear-facing child restraint system would then have to be restrained in a *forward*-facing child restraint system with an internal harness until the child met either of the following:

- The child reached the weight or height limit set by the manufacturer.
- The child was five years of age or older.

A child who outgrew a forward-facing child restraint system would then have to be restrained in a belt-positioning child booster seat secured with a lap-shoulder safety belt until the child met either of the following conditions:

- The child reached the height of 4 feet 9 inches.
- The child was eight years of age or older.

The bill specifies that, if a child were secured in a child restraint system at any age, the restraint system would have to be appropriate for the child's weight and height and configured according to the manufacturer's and vehicle manufacturer's instructions, as well as the standards prescribed by 49 CFR 571.213.

To maximize safety, the bill specifies that the Legislature would recommend that a child be secured in a child restraint system for as long as the child was within the weight and height limits prescribed by the manufacturer, regardless of age. Accordingly, a child between the ages of eight and 13 could be restrained in a belt-positioning child booster seat until the child reached the weight or height limit of the booster seat set by the manufacturer.

Safety Belts

A child who had reached the height of 4 feet 9 inches and was under the age of 13, or a child who was between the ages of eight and 13, would have to be restrained with a properly adjusted and fastened safety belt. A child under the age of 13 would have to be positioned in a rear seat, if applicable. If all rear seats were occupied by children, then the child under the age of 13 could be positioned with a properly adjusted and fastened safety belt in the front seat.

Currently, the Code requires each operator of a motor vehicle transporting a child between the ages of four and 16 to secure the child in a properly adjusted and fastened safety belt. Under the bill, these and associated requirements would apply to a child between the ages of 13 and 16.

MCL 257.710d and 257.710e (H.B. 4511)
257.907 (H.B. 4512)

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bills are reintroductions of House Bills 4983 and 4984 from the 2021-2022 Legislative Session. The bills were reported from the House Committee on Transportation but received no further action. The bills also are similar to House Bill 4951 of the 2017-2018 Legislative Session, which was reported from the Senate Committee on Families, Seniors and Human Services but received no further action.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.