

Act No. 21
Public Acts of 2024
Approved by the Governor
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Reps. Rheingans, Fitzgerald, McFall, Glanville, Byrnes, Steckloff, Price, Tsernoglou, Weiss, Arbit, Breen, Wilson, Dievendorf and Hood

ENROLLED HOUSE BILL No. 4511

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 2009 PA 57 and section 710e as amended by 2016 PA 460.

The People of the State of Michigan enact:

Sec. 710d. (1) Except as provided in this section, or as otherwise provided by law, a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or federal regulation, each driver transporting a child in a motor vehicle shall properly secure that child in a child restraint system that meets the standards prescribed in 49 CFR 571.213.

(2) A driver transporting a child as required under subsection (1) shall position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children, then a child may be positioned in the child restraint system in the front 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 must be seated and positioned in a child restraint system as follows:

(a) A child must be restrained in a rear-facing child restraint system until the child meets either of the following conditions:

(i) The child has reached the weight or height limit of the rear-facing child restraint system set by the manufacturer.

(ii) The child is 2 years of age or older.

(b) A child who meets either of the conditions in subdivision (a)(i) or (ii) must be restrained in a forward-facing child restraint system with an internal harness until the child meets either of the following conditions:

(i) The child has reached the weight or height limit of the forward-facing child restraint system set by the manufacturer.

(ii) The child is 5 years of age or older.

(c) A child who meets either of the conditions in subdivision (b)(i) or (ii) must be restrained in a belt-positioning child booster seat secured with a lap-shoulder safety belt until the child meets either of the following conditions:

(i) The child has reached the height of 4 feet 9 inches.

(ii) The child is 8 years of age or older.

(3) If a child is secured in a child restraint system under subsection (2)(a) to (c), the child must be secured in a child restraint system that is appropriate for the child's weight and height and configured according to the child restraint system manufacturer's and vehicle manufacturer's instructions and the standards prescribed in 49 CFR 571.213.

(4) Except as otherwise provided in this subsection, a child who meets either of the conditions in subsection (2)(c)(i) or (ii) but is less than 13 years of age must be restrained with a properly adjusted and fastened safety belt that meets the standards prescribed in 49 CFR 571.209. In addition, the child must be positioned in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children, then the child may be positioned with a properly adjusted and fastened safety belt in the front seat. A child described in this subsection may be restrained in a belt-positioning child booster seat under subsection (2)(c) until the child has reached the weight or height limit of the child booster seat set by the manufacturer. To maximize safety, the legislature recommends that a child be secured in a child restraint system for as long as the child is within the weight and height limits described in subsection (2)(a)(i), (b)(i), or (c)(i).

(5) A child who is 13 years of age or older but less than 16 years of age must be secured as required in section 710e.

(6) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.

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

(8) Points must not be assessed under section 320a for a violation of this section. An abstract required under section 732 must not be submitted to the secretary of state regarding a violation of this section.

(9) The secretary of state may exempt by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection.

Sec. 710e. (1) This section does not apply to an operator or passenger of any of the following:

(a) A motor vehicle manufactured before January 1, 1965.

(b) A bus.

(c) A motorcycle.

(d) A moped.

(e) A motor vehicle, if the operator or passenger possesses a written verification from a physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

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

(g) A commercial or United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(h) A motor vehicle operated by a rural carrier of the United States Postal Service while serving the carrier's rural postal route.

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

(3) Each operator and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt, except that a child who is less than 13 years of age must be protected as required in section 710d.

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

(5) Except as otherwise provided in section 710d, each operator of a motor vehicle transporting a child 13 years of age or older but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt and seated as required under this section. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in

compliance with this section, and the operator and all front seat passengers comply with subsection (3), the operator of a motor vehicle transporting a child 13 years of age or older but less than 16 years of age for which there is not an available safety belt is in compliance with this subsection if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the operator may transport the child in the front seat without a safety belt.

(6) The operator of a motor vehicle shall wear a lap belt, but is not required to wear a shoulder harness, if the operator is operating the vehicle for the purpose of performing road construction or maintenance in a work zone.

(7) If the office of highway safety planning certifies that there has been less than 80% compliance with the safety belt requirements of this section during the preceding year, enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another section of this act.

(8) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, that negligence must not reduce the recovery for damages by more than 5%.

(9) A person who violates this section is responsible for a civil infraction.

(10) A law enforcement agency shall conduct an investigation for all reports of inappropriate enforcement that result from the enforcement of this section.

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

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

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

Enacting section 1. This amendatory act takes effect 180 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4512 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor