



HOUSE BILL No. 5751

May 9, 2000, Introduced by Reps. Ruth Johnson, Pappageorge, Voorhees and Richner 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
9 passenger is unable to wear a safety belt for physical or medical
10 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
4 that makes frequent stops for the purpose of pickup or delivery
5 of goods or services.

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

9 (2) ~~This~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,
10 THIS section does not apply to a passenger of a school bus.
11 BEGINNING JULY 1, 2001, WITH RESPECT TO EACH NEW SCHOOL BUS PUR-
12 CHASED ON OR AFTER THAT DATE, THE DRIVER AND EACH PASSENGER SHALL
13 WEAR A PROPERLY ADJUSTED AND FASTENED SHOULDER HARNESS SAFETY
14 BELT, EXCEPT THAT A CHILD LESS THAN 4 YEARS OF AGE SHALL BE PRO-
15 TECTED AS REQUIRED IN SECTION 710D.

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

24 (4) Each driver of a motor vehicle transporting a child
25 4 years of age or more but less than 16 years of age in a motor
26 vehicle shall secure the child in a properly adjusted and
27 fastened safety belt. If the motor vehicle is transporting more

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

13 (5) If after December 31, 2005 the office of highway safety
14 planning certifies that there has been less than 80% compliance
15 with the safety belt requirements of this section during the pre-
16 ceding year, then enforcement of this section by state or local
17 law enforcement agencies shall be accomplished only as a second-
18 ary action when a driver of a motor vehicle has been detained for
19 a suspected violation of another section of this act.

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

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

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

4 (9) The secretary of state shall engage an independent
5 organization to conduct a 3-year study to determine the effect
6 that 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 (10) The secretary of state shall promote compliance with
12 the safety belt requirements of this section at the branch
13 offices and through any print or visual media determined appro-
14 priate 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
17 of state police, the department of community health, the state
18 transportation department, and the insurance bureau to analyze
19 the monetary savings, if any, arising from the enactment of the
20 amendatory act that added this subsection. The secretary of
21 state shall report the findings of the study to all of the fol-
22 lowing not 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
26 agencies.

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

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