SENATE BILL NO. 335

February 18, 1999, Introduced by Senators BULLARD, GOUGEON, HAMMERSTROM, CHERRY, HART, BYRUM, SIKKEMA, MURPHY, EMERSON, VAN REGENMORTER and MC COTTER and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled

"Michigan vehicle code,"

by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 1990 PA 90 and section 710e as amended by 1991 PA 25.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec.   710d.   (1) Except as provided in this section, or as

2 otherwise provided by law, a rule promulgated pursuant to the

3 administrative procedures act of 1969, ~~Act No.   306 of the~~

4 ~~Public Acts of 1969, as amended, being sections 24.201 to 24.328~~

5 ~~of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328,

6 or federal regulation, each driver transporting a child in a

7 motor vehicle shall properly secure each child in a child

8 restraint system as follows:

1   (a) Any child less than 1 year of age in a child restraint

2 system ~~which~~ THAT meets the standards prescribed in 49 C.F.R.

3 571.213, except as provided in subsection (6).

4   (b) Any child 1 year of age or more but less than 4 years of

5 age ~~, when transported in the front seat,~~ in a child restraint

6 system ~~which~~ THAT meets the standards prescribed in 49 C.F.R.

7 571.213, except as provided in subsection (6).

8   ~~(c) Any child 1 year of age or more but less than 4 years~~

9 ~~of age, when transported in the rear seat, in a child restraint~~

10 ~~system which meets the standards prescribed in 49 C.F.R. 571.213,~~

11 ~~unless the child is secured by a safety belt provided in the~~

12 ~~motor vehicle, except as provided in subsection (6).~~

13   (2) This section does not apply to any child being nursed.

14   (3) This section does not apply if the motor vehicle being

15 driven is a bus, school bus, taxicab, moped, motorcycle, or other

16 motor vehicle not required to be equipped with safety belts under

17 federal law or regulations.

18   (4) A person who violates this section is responsible for a

19 civil infraction.

20   (5) Points shall not be assessed under section 320a for a

21 violation of this section. An abstract required under section

22 732 shall not be submitted to the secretary of state regarding a

23 violation of this section.

24   (6) The secretary of state may exempt by rules promulgated

25 pursuant to ~~Act No. 306 of the Public Acts of 1969, as amended,~~

26 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL

27 24.201 TO 24.328, a class of children from the requirements of

1 this section, if the secretary of state determines that the use

2 of the child restraint system required under subsection (1) is

3 impractical because of physical unfitness, a medical problem, or

4 body size. The secretary of state may specify alternate means of

5 protection for children exempted under this subsection.

6   Sec. 710e. (1) This section ~~shall~~ DOES not apply to a

7 driver or passenger of ANY OF THE FOLLOWING:

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

9   (b) A bus.

10   (c) A motorcycle.

11   (d) A moped.

12   (e) A motor vehicle if the driver or passenger possesses a

13 written verification from a physician that the driver or passen-

14 ger is unable to wear a safety belt for physical or medical

15 reasons.

16   (f) A motor vehicle ~~which~~ THAT is not required to be

17 equipped with safety belts under federal law.

18   (g) A commercial or United States postal service vehicle

19 ~~which~~ THAT makes frequent stops for the purpose of pickup or

20 delivery of goods or services.

21   (h) A motor vehicle operated by a rural carrier of the

22 United States postal service while serving his or her rural

23 postal route.

24   (2) This section ~~shall~~ DOES not apply to a passenger of a

25 school bus.

26   (3) Each driver and ~~front seat~~ passenger of a motor

27 vehicle operated on a street or highway in this state shall wear

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1 a properly adjusted and fastened safety belt, except that a child

2 less than 4 years of age shall be protected as required in sec-

3 tion 710d. IF THERE ARE MORE PASSENGERS THAN SAFETY BELTS AVAIL-

4 ABLE FOR USE, AND ALL SAFETY BELTS IN THE MOTOR VEHICLE ARE BEING

5 UTILIZED IN COMPLIANCE WITH THIS SECTION, THE DRIVER OF THE MOTOR

6 VEHICLE IS IN COMPLIANCE WITH THIS SECTION.

7   (4) Each driver of a motor vehicle transporting a child

8 4 years of age or more but less than 16 years of age in a motor

9 vehicle shall secure the child in a properly adjusted and

10 fastened safety belt. If the motor vehicle is transporting more

11 children than there are safety belts available for use, all

12 safety belts available in the motor vehicle are being utilized in

13 compliance with this section, and the driver and all front seat

14 passengers comply with subsection (3), then the driver of a motor

15 vehicle transporting a child 4 years of age or more but less than

16 16 years of age for which there is not an available safety belt

17 is in compliance with this subsection, if that child is seated in

18 other than the front seat of the motor vehicle. However, if that

19 motor vehicle is a pickup truck without an extended cab or jump

20 seats, and all safety belts in the front seat are being used, the

21 driver may transport such a child in the front seat without a

22 safety belt.

23   (5) Enforcement of this section by state or local law

24 enforcement agencies shall be accomplished only as a secondary

25 action when a driver of a motor vehicle has been detained for a

26 suspected violation of another section of this act.

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1   (5) ~~(6)~~ Failure to wear a safety belt in violation of this

2 section may be considered evidence of negligence and may reduce

3 the recovery for damages arising out of the ownership, mainte-

4 nance, or operation of a motor vehicle. However, such negligence

5 shall not reduce the recovery for damages by more than 5%.

6   (6) ~~(7)~~ A person who violates this section is responsible

7 for a civil infraction.

8   (7) ~~(8)~~ Points shall not be assessed under section 320a

9 for a violation of this section.