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BILL ANALYSIS

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Senate Bill 491 (as introduced 5-11-05)
Sponsor: Senator Wayne Kuipers
Committee: Transportation

Date Completed: 2-21-06

CONTENT

The bill would amend the Michigan Vehicle Code to prescribe a civil fine and court costs for transporting passengers younger than 16 in violation of child safety restraint or seat belt requirements; and require fines collected for violations to be deposited in the Child Safety Education Fund (proposed by House Bill 4787).

The Code prescribes a civil fine of \$10 for a person who is determined to be responsible or responsible "with explanation" for a civil infraction for violating Section 710d. Under the bill, the \$10 fine would apply to a first violation. For a second or subsequent violation of that section, the civil fine would be \$100.

(Section 710d requires each driver transporting a child younger than four years old to secure the child properly in a child restraint system that meets the standards prescribed in the Code of Federal Regulations (49 CFR 571.213).)

The bill would prescribe a civil fine of \$10 for a first offense and \$100 for a second or subsequent violation of Section 710e(3)(b) or 710e(5).

(Section 710e(3) requires each driver and front seat passenger to wear a properly adjusted and fastened safety belt, except that a child younger than four must be protected as required in Section 710d. (Under current law, Section 710e(3)(b) does not exist.) Under Section 710e(5), if the Office of Highway Safety Planning certifies that there has been less than 80% compliance with the safety belt requirements of Section 710e during the preceding year, then enforcement of that section by State or local law enforcement agencies must be accomplished only as a secondary action when a driver has been detained for a suspected violation of another section of the Code.)

Currently, an individual must pay a civil fine and court costs of \$25 for violating Section 710e. Under the bill, the \$25 fine would apply to a violation of that section other than 710e(3)(b) or 710e(5).

Under the bill, fines collected for each citation for a second or subsequent violation of Sections 710d, 710e(3)(b), and 710e(5) would have to be transmitted to the State Treasurer for deposit in the Child Safety and Education Fund.

Senate Bill 491 and House Bill 4787 are tie-barred to each other. (House Bill 4787 would create the Child Safety Education Fund within the State Treasury. The Department of Community Health would have to administer the Fund and could spend Fund money only for discretionary grants under the Child Car Seat Safety Grant Program.)

MCL 257.907

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill could result in additional revenue to the State and local units of government. To the extent that there would be increased violations, the bill would result in additional fine revenue, courts costs, and Justice System Fund Assessments. Fine revenue from civil infractions under the Michigan Vehicle Code is allocated to public libraries. Fines resulting from citations for violations of corresponding local ordinances are shared between the local unit of government and the court funding unit.

This bill is tie-barred to House Bill 4787 which would create a moderate, indeterminate increase in administrative cost for the Department of Community Health associated with the administration of the Child Safety Education Fund.

Fiscal Analyst: David Fosdick
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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.