

VEHICLE BOOSTER SEATS FOR CHILDREN & CHILD SAFETY EDUCATION FUND

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House Bill 4536

Sponsor: Rep. Kathy Angerer

House Bill 4537

Sponsor: Rep. Marc Corriveau

House Bill 4538

Sponsor: Rep. Barb Byrum

Committee: Transportation

Complete to 6-20-07

A SUMMARY OF HOUSE BILLS 4536-4538 AS INTRODUCED 3-28-07

Currently under the Michigan Vehicle Code, generally speaking, drivers and front-seat passengers in vehicles must wear a safety belt, and children under four must ride in a child restraint system.

House Bill 4536 would amend the Michigan Vehicle Code to require that a child over four years of age but less than nine and weighing between 40 and 80 pounds, and a child that is not more than four feet nine inches tall, be seated in a manufacturer-certified booster seat and secured by a seat belt when in a motor vehicle operated on a street or highway. (Note: The bill likely is intended to apply to children four through eight.)

House Bill 4538 would make complementary amendments to the section of the Vehicle Code that imposes civil infraction penalties for violations, including violations of seatbelt and child restraint laws. It would provide that fines, costs, or assessments for a violation would be waived if an individual, before the appearance date on the civil infraction citation, supplied the court with evidence of acquisition, purchase, or rental of a required child seating system.

House Bills 4536 and 4538 are tie-barred to one another, meaning that neither could take effect unless both were enacted.

House Bill 4537 would amend the Michigan Vehicle Code to create a Child Safety Education Fund to support discretionary grants under the existing Child Car Seat Safety Grant Program operated by the Department of Community Health. The Fund would be within the state treasury and the state treasurer would direct its investment. Money in the Fund at the close of the fiscal year would remain in the Fund and not lapse to the General Fund. The Fund would be administered by the DCH. House Bill 4537 would also amend Section 909 of the Vehicle Code. It amends a section that now says that civil fines for violation of certain vehicle laws are intended to be a source of revenue to public libraries; the bill would add "and to fund the child car seat safety program."

FISCAL IMPACT:

House Bill 4537. As introduced, the bill requires the Michigan Department of Treasury to manage a new fund. The bill allows for the deposit of revenue from any source into the fund for the Child Car Seat Safety Grant Program, established in statute in 2000. The bill's fiscal impact on state government includes Department of Treasury management and investment costs to maintain the fund and Department of Community Health grant administration costs which will be dependent upon the fund balance and consequent volume of grants.

Civil fines collected under the Michigan Vehicle Code support public libraries; the bill says that these could also now fund the Child Car Seat Safety Grant Program, but it does not specifically direct any fines to the new Fund or the Program. In FY 2005-06 \$30.7 million was distributed to local libraries. This amount has declined 3% since FY 2001-02.

The Child Car Seat Safety Grant Program was previously funded in the Community Health budget with \$300,000 of state general funds annually in Fiscal Years 1999-2000, 2000-01 and 2001-02, and with \$100,000 of general funds in FY 2002-03. General fund appropriations were discontinued at that time due to state fiscal constraints. The Department of Community Health continues to support child safety education programs related to motor vehicles and bicycles using federal grant funds, but has not been funded to offer Child Car Seat Safety Grants since 2002.

House Bill 4536. This bill would expand the state regulations concerning child passengers in motor vehicles. Under the bill, it would now be a civil infraction if a child that is between the age of 4 and 9 and falls within specific height and weight restrictions is not secured in a certified booster seat and seat belt. The fine for this offense is recommended to be no greater than \$6. The violator would also be assessed court costs of up to \$19 and a Justice System Assessment of \$40.

Because the fine revenue for civil infraction traffic violations go to county treasurers for local libraries, the fine of up to \$6 per offense would generate additional revenue for those libraries. In addition, the assessed court costs of up to \$19 per offense would generate additional revenue for the governmental unit that funds the local court. Each infraction would also be assessed a \$40 Justice System Assessment which would be deposited into the state Justice System Fund (JSF). The JSF supports various justice-related endeavors in the judicial branch, the Department of State Police, and the Department of Corrections.

House Bill 4538. This bill provides that fines, costs, or assessments for the new civil infraction of not transporting a child aged 4 through 9 in a booster seat can be waived by the court. Because of this waiver provision, the amount of revenue that would have been generated for local libraries, local court funding units, and the Justice System Fund may be reduced by an indeterminate amount.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.