

Legislative Analysis



CHILD SAFETY RESTRAINT SYSTEMS

Phone: (517) 373-8080
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House Bill 4983 as reported from committee
Sponsor: Rep. Bronna Kahle

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4984 as reported from committee
Sponsor: Rep. Cara Clemente

Committee: Transportation
Complete to 12-1-21

SUMMARY:

House Bills 4983 and 4984 would amend the Michigan Vehicle Code to revise the requirements for child safety restraint systems (car seats and booster seats).¹

Currently under sections 710d and 710e of the code, a driver transporting a child who is under four years old must properly secure that child in a child restraint system that meets federal standards. The child must be positioned in a rear seat, if the vehicle has a rear 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 who is four to seven years old and who is less than four feet nine inches tall also must be properly secured in a child restraint system.

House Bill 4983 would amend the provisions described above to apply to children who are 12 years old and younger. Specifically, the bill would require a driver transporting a child to properly secure that child in a child restraint system that meets federal standards. The child would have to be positioned in the child restraint system in a rear seat, if the vehicle has a rear seat and not all the rear seats are taken by children. A child in a rear-facing child restraint system could be placed in the front seat only if the front passenger air bag were deactivated. A child would have to be seated and positioned in a child restraint system as follows:

- A child would have to be restrained in a rear-facing child seat until the child meets *either* of the following:
 - The child is at least two years old.
 - The child has reached the weight or height limit of the rear-facing child restraint system set by the manufacturer.
- After meeting *both* of the above requirements, the child would have to be restrained in a forward-facing child restraint system with an internal harness until the child meets *either* of the following:
 - The child is at least five years old.
 - The child has reached the weight or height limit of the forward-facing child restraint system set by the manufacturer.
- After meeting *both* of the above requirements, the child would have to be restrained in a belt-positioning child booster seat secured with a lap-shoulder safety belt until the child meets *either* of the following:
 - The child is at least eight years old.
 - The child is at least four feet nine inches tall.

¹ For a description of car seat types, see: <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats>

[Note that, under the above provisions, a child who meets *one* of the specified requirements is exempt from a restraint system designed for younger or smaller children, but the child must meet *both* of those requirements before he or she is required to use the next system. For example, the requirement that a child be restrained in a rear-facing child seat would no longer apply to a child who meets the weight or height limit of the system but is less than two years old. However, the requirement that he or she be restrained in a forward-facing child restraint system would not apply until the child reached the age of two. It is unclear what, if any, restraint system would be required for that child before that time.]

A child secured in a restraint system would have to be secured in one that was appropriate for the child's weight and height and configured according to the child restraint manufacturer's instructions and the vehicle manufacturer's instructions and the standards prescribed by 49 CFR 571.213.²

A child who was at least eight years old and at least four feet nine inches tall, but who was under 13 years old, would have to be restrained with a properly adjusted and fastened safety belt. He or she would have to be positioned in a rear seat, if the vehicle had a rear seat and not all the rear seats were taken by children. He or she could be restrained in a belt-positioning child booster seat, as described above, until he or she reached the weight or height limit set by the seat's manufacturer.

Current law requires a driver transporting a child under 16 who does not have to ride in a car seat or booster seat (i.e., he or she is at least four foot nine and at least eight years old) to secure the child in a properly adjusted and fastened safety belt. Under House Bill 4983, this requirement would apply to a child who was at least 13 but under 16 years old.

House Bill 4983 also would eliminate a requirement that the secretary of state engage an independent organization to conduct a study to determine the effect of the primary enforcement of the seat belt law on the number of incidents of police harassment of motor vehicle operators. This requirement was added in 1999, when the seat belt law was made subject to primary enforcement, and required a report to be made to the legislature by June 30, 2001, and annually thereafter. The bill would revise related provisions to refer to "inappropriate enforcement" of the seat belt law, rather than "police harassment."

MCL 257.710d and 257.710e

House Bill 4984 would amend section 907 of the Michigan Vehicle Code, which allows the court to waive any civil fine, cost, or assessment against a person who received a civil infraction citation for violation of the child restraint system requirements if he or she provides evidence of acquiring, purchasing, or renting a child restraint system meeting those requirements before the appearance date on the citation.

Under the bill, the person also would have to provide evidence that he or she received education from a certified child passenger safety technician. In addition, where the act refers to a person providing evidence of acquiring, purchasing, or renting a proper child restrain system, the bill would refer only to evidence of acquisition.

MCL 257.907

² See <https://www.govinfo.gov/content/pkg/CFR-2011-title49-vol6/pdf/CFR-2011-title49-vol6-sec571-213.pdf>

Each bill would take effect 180 days after its enactment. The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.

FISCAL IMPACT:

House Bills 4983 and 4984 would not have a direct fiscal impact on the Michigan State Police or state government. There could be potential implementation costs associated with raising public awareness of the changes in law regarding child safety seats through mailings, social media, or other media; however, there is no such requirement to do so in the bill.

The bills also would have an indeterminate fiscal impact on local units of government. The fiscal impact would depend on the number of civil fines that are waived. A civil fine ordered under section 907 of the Michigan Vehicle Code is required under section 909 to be exclusively applied to the support of public and county law libraries. Any decrease in the amount of fines ordered would mean a decrease in the amount of funding made available for support of public and county law libraries.

POSITIONS:

Representatives of the following entities testified in support of the bills (10-26-21):

- Department of State Police
- Michigan Chapter of the American Academy of Pediatrics
- C.S. Mott Children's Hospital

The following organizations indicated support for the bills:

- Michigan Council for Maternal and Child Health (10-26-21)
- Michigan Council of Nurse Practitioners (10-26-21)
- Michigan Osteopathic Association (10-26-21)
- Sparrow Health System (10-26-21)
- AAA of Michigan (11-9-21)

The Department of Health and Human Services indicated support for HB 4893. (10-26-21)

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