



# HOUSE BILL No. 4461

March 9, 1993, Introduced by Rep. Fitzgerald and referred to the Committee on Transportation.

A bill to amend section 710e of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 25 of the Public Acts of 1991, being section 257.710e of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 710e of Act No. 300 of the Public Acts  
2 of 1949, as amended by Act No. 25 of the Public Acts of 1991,  
3 being section 257.710e of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 710e. (1) This section shall not apply to a driver or  
6 passenger of ANY OF THE FOLLOWING:

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

1 (b) A bus.

2 (c) A motorcycle.

3 (d) A moped.

4 (e) A motor vehicle if the driver or passenger possesses a  
5 written verification from a physician that the driver or passen-  
6 ger is unable to wear a safety belt for physical or medical  
7 reasons.

8 (f) A motor vehicle which is not required to be equipped  
9 with safety belts under federal law.

10 (g) A commercial or United States postal service vehicle  
11 which makes frequent stops for the purpose of pickup or delivery  
12 of goods or services.

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

16 (2) This section shall not apply to a passenger of a school  
17 bus.

18 (3) Each driver and front seat passenger of a motor vehicle  
19 operated on a street or highway in this state shall wear a prop-  
20 erly adjusted and fastened safety belt, except that a child less  
21 than 4 years of age shall be protected as required in section  
22 710d.

23 (4) Each driver of a motor vehicle transporting a child  
24 4 years of age or more but less than 16 years of age in a motor  
25 vehicle shall secure the child in a properly adjusted and  
26 fastened safety belt. If the motor vehicle is transporting more  
27 children than there are safety belts available for use, all

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

12 ~~(5) Enforcement of this section by state or local law~~  
13 ~~enforcement agencies shall be accomplished only as a secondary~~  
14 ~~action when a driver of a motor vehicle has been detained for a~~  
15 ~~suspected violation of another section of this act.~~

16 (5) ~~(6)~~ Failure to wear a safety belt in violation of this  
17 section may be considered evidence of negligence and may reduce  
18 the recovery for damages arising out of the ownership, mainte-  
19 nance, or operation of a motor vehicle. However, such negligence  
20 shall not reduce the recovery for damages by more than 5%.

21 (6) ~~(7)~~ A person who violates this section is responsible  
22 for a civil infraction.

23 (7) ~~(8)~~ Points shall not be assessed under section 320a  
24 for a violation of this section.