

SENATE BILL No. 314

March 16, 2005, Introduced by Senators HAMMERSTROM, BIRKHOLZ, CHERRY, JOHNSON, McMANUS, KUIPERS and BRATER and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

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~~ **UNDER**
3 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
4 to 24.328, or federal regulation, each driver transporting a child
5 less than 4 years of age in a motor vehicle shall properly secure
6 that child in a child restraint system that meets the standards
7 prescribed in 49 ~~C.F.R.~~ **CFR** 571.213.

8 (2) ~~This section does not apply to any child being nursed~~ **A**
9 **DRIVER TRANSPORTING A CHILD AS REQUIRED UNDER SUBSECTION (1) SHALL**

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1 POSITION THE CHILD IN THE CHILD RESTRAINT SYSTEM IN A SEAT LOCATED
2 BEHIND THE DRIVER, IF THE VEHICLE IS EQUIPPED WITH SUCH A SEAT.

3 (3) This section does not apply if the motor vehicle being
4 driven is a bus, school bus, taxicab, moped, motorcycle, or other
5 motor vehicle not required to be equipped with safety belts under
6 federal law or regulations.

7 (4) A person who violates this section is responsible for a
8 civil infraction.

9 (5) Points shall not be assessed under section 320a for a
10 violation of this section. An abstract required under section 732
11 shall not be submitted to the secretary of state regarding a
12 violation of this section.

13 (6) The secretary of state may exempt by rules promulgated
14 ~~pursuant to~~ **UNDER** the administrative procedures act of 1969, 1969
15 PA 306, MCL 24.201 to 24.328, a class of children from the
16 requirements of this section, if the secretary of state determines
17 that the use of the child restraint system required under
18 subsection (1) is impractical because of physical unfitness, a
19 medical problem, or body size. The secretary of state may specify
20 alternate means of protection for children exempted under this
21 subsection.