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Senate Bill 1135 (Substitute S-1 as reported by the Committee of the Whole)(*Senate-passed version*)
Sponsor: Senator John Proos
Committee: Families, Seniors and Human Services

CONTENT

The bill would amend the Michigan Vehicle Code to require a driver transporting a child to position the child in a child restraint system according to the child's weight and height.

The Code requires a driver transporting a child less than four years of age in a motor vehicle to properly secure the child in a child restraint system that meets Federal standards, and specifies that the driver must position the child in a child restraint system in a rear seat, if the vehicle is equipped with a rear seat, unless all available rear seats are occupied with such children. The bill would retain these requirements but eliminate the references to the age of a child.

The bill also would require a child to be seated and positioned as follows:

- If the child weighed 30 pounds or less or were less than two years of age, in a rear-facing child seat.
- If the child weighed between 30 and 50 pounds, or were two years of age or older but less than five years old, in a forward-facing child seat.
- If the child were not taller than 57 inches and weighed 50 pounds or more, or were five years of age or older but less than 10 years old, in a booster seat.

In addition, the bill would repeal Section 710e and substantially re-enact provisions that do the following:

- Require each operator and front-seat passenger, and each child less than 16 years old, to wear a properly adjusted and fastened safety belt.
- Specify that if the Office of Highway Safety Planning certified that there had been less than 80% compliance with these requirements, enforcement of this section by State or local law enforcement could be accomplished only through secondary action.
- Specify that failure to wear a safety belt could be considered evidence of negligence and could reduce a recovery for damages arising out of ownership or operation of a motor vehicle by a maximum of 5%.
- Require a law enforcement agency to conduct an investigation for all reports of police harassment that resulted from enforcement of these requirements.
- Require the Secretary of State to engage an independent organization to study the effect that primary enforcement of these requirements has on the number of police harassment incidents, and require the organization to submit an annual report to the Legislature.
- Require the Secretary of State to promote compliance with the safety belt requirements at branch offices and through print and visual media.

MCL 257.710d

Legislative Analyst: Jeff Mann

FISCAL IMPACT

A violation of the child restraint requirements is a civil infraction. The proposed change in language could result in an increase in violations and an increase in civil infraction revenue, which the Michigan Vehicle Code dedicates to public libraries.

Date Completed: 12-4-14

Fiscal Analyst: John Maxwell

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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.