

**SUBSTITUTE FOR
SENATE BILL NO. 1135**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 710d (MCL 257.710d), as amended by 2009 PA 57;
and to repeal acts and parts of acts.

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 under the
3 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
4 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 CFR 571.213.

8 (2) A driver transporting a child as required under subsection
9 (1) shall position the child in the child restraint system in a

1 rear seat, if the vehicle is equipped with a rear seat. If all
2 available rear seats are occupied by children, ~~less than 4 years of~~
3 ~~age,~~ then a child ~~less than 4 years of age~~ may be positioned in the
4 child restraint system in the front seat. A child in a rear-facing
5 child restraint system may be placed in the front seat only if the
6 front passenger air bag is deactivated. **IN ADDITION, A CHILD SHALL**
7 **BE SEATED AND POSITIONED AS FOLLOWS:**

8 (A) IF THE CHILD WEIGHS NOT MORE THAN 30 POUNDS OR IS LESS
9 THAN 2 YEARS OF AGE, IN A REAR-FACING CHILD SEAT.

10 (B) IF THE CHILD WEIGHS NOT LESS THAN 30 POUNDS BUT LESS THAN
11 50 POUNDS, OR IS 2 YEARS OF AGE OR OLDER BUT LESS THAN 5 YEARS OF
12 AGE, IN A FORWARD-FACING CHILD SEAT.

13 (C) IF THE CHILD IS NOT MORE THAN 57 INCHES TALL AND WEIGHS 50
14 POUNDS OR MORE, OR IS 5 YEARS OF AGE OR OLDER BUT LESS THAN 10
15 YEARS OF AGE, IN A BOOSTER SEAT.

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

20 ~~—— (4) A person who violates this section is responsible for a~~
21 ~~civil infraction.~~

22 ~~—— (5) Points shall not be assessed under section 320a for a~~
23 ~~violation of this section. An abstract required under section 732~~
24 ~~shall not be submitted to the secretary of state regarding a~~
25 ~~violation of this section.~~

26 ~~—— (6) The secretary of state may exempt by rules promulgated~~
27 ~~under the administrative procedures act of 1969, 1969 PA 306, MCL~~

1 ~~24.201 to 24.328, a class of children from the requirements of this~~
2 ~~section, if the secretary of state determines that the use of the~~
3 ~~child restraint system required under subsection (1) is impractical~~
4 ~~because of physical unfitness, a medical problem, or body size. The~~
5 ~~secretary of state may specify alternate means of protection for~~
6 ~~children exempted under this subsection.~~

7 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, EACH
8 OPERATOR AND FRONT-SEAT PASSENGER OF A MOTOR VEHICLE OPERATED IN A
9 STREET OR HIGHWAY IN THIS STATE SHALL WEAR A PROPERLY ADJUSTED AND
10 FASTENED SAFETY BELT.

11 (4) IF THERE ARE MORE PASSENGERS THAN SAFETY BELTS AVAILABLE
12 FOR USE, AND ALL SAFETY BELTS IN THE MOTOR VEHICLE ARE BEING
13 UTILIZED IN COMPLIANCE WITH THIS SECTION, THE OPERATOR OF THE MOTOR
14 VEHICLE IS IN COMPLIANCE WITH SUBSECTION (3).

15 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, EACH
16 OPERATOR OF A MOTOR VEHICLE TRANSPORTING A CHILD LESS THAN 16 YEARS
17 OF AGE IN A MOTOR VEHICLE SHALL SECURE THE CHILD IN A PROPERLY
18 ADJUSTED AND FASTENED SAFETY BELT AND SEAT THE CHILD AS REQUIRED
19 UNDER THIS SECTION.

20 (6) THIS SECTION DOES NOT APPLY TO AN OPERATOR OR PASSENGER OF
21 A BUS, SCHOOL BUS, TAXICAB, MOPED, MOTORCYCLE, MOTOR VEHICLE
22 MANUFACTURED BEFORE JANUARY 1, 1965, OR OTHER MOTOR VEHICLE NOT
23 REQUIRED TO BE EQUIPPED WITH SAFETY BELTS UNDER FEDERAL LAW OR
24 REGULATIONS, A MOTOR VEHICLE IF THE OPERATOR OR PASSENGER POSSESSES
25 A WRITTEN VERIFICATION FROM A PHYSICIAN THAT THE OPERATOR OR
26 PASSENGER IS UNABLE TO WEAR A SAFETY BELT FOR PHYSICAL OR MEDICAL
27 REASONS, A COMMERCIAL OR UNITED STATES POSTAL SERVICE VEHICLE THAT

1 MAKES FREQUENT STOPS FOR THE PURPOSE OF PICKUP OR DELIVERY OF GOODS
2 OR SERVICES, OR A MOTOR VEHICLE OPERATED BY A RURAL CARRIER OF THE
3 UNITED STATES POSTAL SERVICE WHILE SERVING HIS OR HER RURAL POSTAL
4 ROUTE.

5 (7) THE SECRETARY OF STATE MAY EXEMPT BY RULES PROMULGATED
6 UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
7 24.201 TO 24.328, A CLASS OF CHILDREN FROM THE REQUIREMENTS OF THIS
8 SECTION, IF THE SECRETARY OF STATE DETERMINES THAT THE USE OF THE
9 CHILD RESTRAINT SYSTEM REQUIRED UNDER SUBSECTION (1) IS IMPRACTICAL
10 BECAUSE OF PHYSICAL UNFITNESS, A MEDICAL PROBLEM, OR BODY SIZE. THE
11 SECRETARY OF STATE MAY SPECIFY ALTERNATE MEANS OF PROTECTION FOR
12 CHILDREN EXEMPTED UNDER THIS SUBSECTION.

13 (8) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
14 CIVIL INFRACTION.

15 (9) POINTS SHALL NOT BE ASSESSED UNDER SECTION 320A FOR A
16 VIOLATION OF THIS SECTION. AN ABSTRACT REQUIRED UNDER SECTION 732
17 SHALL NOT BE SUBMITTED TO THE SECRETARY OF STATE REGARDING A
18 VIOLATION OF THIS SECTION.

19 (10) IF THE OFFICE OF HIGHWAY SAFETY PLANNING CERTIFIES THAT
20 THERE HAS BEEN LESS THAN 80% COMPLIANCE WITH THE SAFETY BELT
21 REQUIREMENTS OF THIS SECTION DURING THE PRECEDING YEAR, ENFORCEMENT
22 OF THIS SECTION BY STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL BE
23 ACCOMPLISHED ONLY AS A SECONDARY ACTION WHEN AN OPERATOR OF A MOTOR
24 VEHICLE HAS BEEN DETAINED FOR A SUSPECTED VIOLATION OF ANOTHER
25 SECTION OF THIS ACT.

26 (11) FAILURE TO WEAR A SAFETY BELT IN VIOLATION OF THIS
27 SECTION MAY BE CONSIDERED EVIDENCE OF NEGLIGENCE AND MAY REDUCE THE

1 RECOVERY FOR DAMAGES ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR
2 OPERATION OF A MOTOR VEHICLE. HOWEVER, THAT NEGLIGENCE SHALL NOT
3 REDUCE THE RECOVERY FOR DAMAGES BY MORE THAN 5%.

4 (12) A LAW ENFORCEMENT AGENCY SHALL CONDUCT AN INVESTIGATION
5 FOR ALL REPORTS OF POLICE HARASSMENT THAT RESULT FROM THE
6 ENFORCEMENT OF THIS SECTION.

7 (13) THE SECRETARY OF STATE SHALL ENGAGE AN INDEPENDENT
8 ORGANIZATION TO CONDUCT A STUDY TO DETERMINE THE EFFECT THAT THE
9 PRIMARY ENFORCEMENT OF THIS SECTION HAS ON THE NUMBER OF INCIDENTS
10 OF POLICE HARASSMENT OF MOTOR VEHICLE OPERATORS. THE ORGANIZATION
11 THAT CONDUCTS THE STUDY SHALL SUBMIT A REPORT TO THE LEGISLATURE
12 NOT LATER THAN JUNE 30, 2015 AND AN ANNUAL REPORT NOT LATER THAN
13 JUNE 30 EACH YEAR THEREAFTER.

14 (14) THE SECRETARY OF STATE SHALL PROMOTE COMPLIANCE WITH THE
15 SAFETY BELT REQUIREMENTS OF THIS SECTION AT THE BRANCH OFFICES AND
16 THROUGH ANY PRINT OR VISUAL MEDIA DETERMINED APPROPRIATE BY THE
17 SECRETARY OF STATE.

18 (15) IT IS THE INTENT OF THE LEGISLATURE THAT THE ENFORCEMENT
19 OF THIS SECTION BE CONDUCTED IN A MANNER CALCULATED TO SAVE LIVES
20 AND NOT IN A MANNER THAT RESULTS IN THE HARASSMENT OF THE CITIZENS
21 OF THIS STATE.

22 Enacting section 1. Section 710e of the Michigan vehicle code,
23 1949 PA 300, MCL 257.710e, is repealed.