

HOUSE BILL NO. 4511

May 04, 2023, Introduced by Reps. Rheingans, Fitzgerald, McFall, Glanville, Byrnes, Steckloff, Price, Tsernoglou, Weiss, Arbit, Breen, Wilson, Dievendorf and Hood and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 2009 PA 57 and section 710e as amended by 2016 PA 460.

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

1 ~~less than 4 years of age~~ in a motor vehicle shall properly secure
2 that child in a child restraint system that meets the standards
3 prescribed in 49 CFR 571.213.

4 (2) A driver transporting a child as required under subsection
5 (1) shall position the child in the child restraint system in a
6 rear seat, if the vehicle is equipped with a rear seat. If all
7 available rear seats are occupied by children, ~~less than 4 years of~~
8 ~~age,~~ then a child ~~less than 4 years of age~~ may be positioned in the
9 child restraint system in the front seat. A child in a rear-facing
10 child restraint system may be placed in the front seat only if the
11 front passenger air bag is deactivated. **In addition, a child must**
12 **be seated and positioned in a child restraint system as follows:**

13 (a) **A child must be restrained in a rear-facing child**
14 **restraint system until the child meets either of the following**
15 **conditions:**

16 (i) The child has reached the weight or height limit of the
17 rear-facing child restraint system set by the manufacturer.

18 (ii) The child is 2 years of age or older.

19 (b) A child who meets either of the conditions in subdivision
20 (a) (i) or (ii) must be restrained in a forward-facing child restraint
21 system with an internal harness until the child meets either of the
22 following conditions:

23 (i) The child has reached the weight or height limit of the
24 forward-facing child restraint system set by the manufacturer.

25 (ii) The child is 5 years of age or older.

26 (c) A child who meets either of the conditions in subdivision
27 (b) (i) or (ii) must be restrained in a belt-positioning child booster
28 seat secured with a lap-shoulder safety belt until the child meets
29 either of the following conditions:

1 (i) The child has reached the height of 4 feet 9 inches.

2 (ii) The child is 8 years of age or older.

3 (3) If a child is secured in a child restraint system under
4 subsection (2) (a) to (c), the child must be secured in a child
5 restraint system that is appropriate for the child's weight and
6 height and configured according to the child restraint system
7 manufacturer's and vehicle manufacturer's instructions and the
8 standards prescribed in 49 CFR 571.213.

9 (4) Except as otherwise provided in this subsection, a child
10 who meets either of the conditions in subsection (2) (c) (i) or (ii)
11 but is less than 13 years of age must be restrained with a properly
12 adjusted and fastened safety belt that meets the standards
13 prescribed in 49 CFR 571.209. In addition, the child must be
14 positioned in a rear seat, if the vehicle is equipped with a rear
15 seat. If all available rear seats are occupied by children, then
16 the child may be positioned with a properly adjusted and fastened
17 safety belt in the front seat. A child described in this subsection
18 may be restrained in a belt-positioning child booster seat under
19 subsection (2) (c) until the child has reached the weight or height
20 limit of the child booster seat set by the manufacturer. To
21 maximize safety, the legislature recommends that a child be secured
22 in a child restraint system for as long as the child is within the
23 weight and height limits described in subsection (2) (a) (i), (b) (i),
24 or (c) (i).

25 (5) A child who is 13 years of age or older but less than 16
26 years of age must be secured as required in section 710e.

27 (6) ~~(3)~~—This section does not apply if the motor vehicle being
28 driven is a bus, school bus, taxicab, moped, motorcycle, or other
29 motor vehicle not required to be equipped with safety belts under

1 federal law or regulations.

2 (7) ~~(4)~~—A person who violates this section is responsible for
3 a civil infraction.

4 (8) ~~(5)~~—Points ~~shall~~**must** not be assessed under section 320a
5 for a violation of this section. An abstract required under section
6 732 ~~shall~~**must** not be submitted to the secretary of state regarding
7 a violation of this section.

8 (9) ~~(6)~~—The secretary of state may exempt by rules promulgated
9 under the administrative procedures act of 1969, 1969 PA 306, MCL
10 24.201 to 24.328, a class of children from the requirements of this
11 section, if the secretary of state determines that the use of the
12 child restraint system required under subsection (1) is impractical
13 because of physical unfitness, a medical problem, or body size. The
14 secretary of state may specify alternate means of protection for
15 children exempted under this subsection.

16 Sec. 710e. (1) This section does not apply to an operator or
17 passenger of any of the following:

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

19 (b) A bus.

20 (c) A motorcycle.

21 (d) A moped.

22 (e) A motor vehicle, if the operator or passenger possesses a
23 written verification from a physician that the operator or
24 passenger is unable to wear a safety belt for physical or medical
25 reasons.

26 (f) A motor vehicle that is not required to be equipped with
27 safety belts under federal law.

28 (g) A commercial or United States Postal Service vehicle that
29 makes frequent stops for the purpose of pickup or delivery of goods

1 or services.

2 (h) A motor vehicle operated by a rural carrier of the United
3 States Postal Service while serving ~~his or her~~ **the carrier's** rural
4 postal route.

5 (2) This section does not apply to a passenger of a school
6 bus.

7 (3) Each operator and front seat passenger of a motor vehicle
8 operated on a street or highway in this state shall wear a properly
9 adjusted and fastened safety belt, ~~except as follows:~~

10 ~~(a) A **that a** child who is less than 4-13 years of age shall~~
11 **must** be protected as required in section 710d.

12 ~~(b) A child who is 4 years of age or older but less than 8~~
13 ~~years of age and who is less than 4 feet 9 inches in height shall~~
14 ~~be properly secured in a child restraint system in accordance with~~
15 ~~the child restraint manufacturer's and vehicle manufacturer's~~
16 ~~instructions and the standards prescribed in 49 CFR 571.213.~~

17 (4) If there are more passengers than safety belts available
18 for use, and all safety belts in the motor vehicle are being
19 utilized in compliance with this section, the operator of the motor
20 vehicle is in compliance with this section.

21 (5) Except as otherwise provided in ~~subsection (3) (b),~~ **section**
22 **710d**, each operator of a motor vehicle transporting a child ~~4-13~~
23 years of age or older but less than 16 years of age in a motor
24 vehicle shall secure the child in a properly adjusted and fastened
25 safety belt and seated as required under this section. If the motor
26 vehicle is transporting more children than there are safety belts
27 available for use, all safety belts available in the motor vehicle
28 are being utilized in compliance with this section, and the
29 operator and all front seat passengers comply with subsection (3),

1 the operator of a motor vehicle transporting a child ~~8-13~~ years of
2 age or older but less than 16 years of age for which there is not
3 an available safety belt is in compliance with this subsection if
4 that child is seated in other than the front seat of the motor
5 vehicle. However, if that motor vehicle is a pickup truck without
6 an extended cab or jump seats, and all safety belts in the front
7 seat are being used, the operator may transport the child in the
8 front seat without a safety belt.

9 (6) The operator of a motor vehicle shall wear a lap belt, but
10 is not required to wear a shoulder harness, if the operator is
11 operating the vehicle for the purpose of performing road
12 construction or maintenance in a work zone.

13 (7) If ~~after December 31, 2005~~ the office of highway safety
14 planning certifies that there has been less than 80% compliance
15 with the safety belt requirements of this section during the
16 preceding year, enforcement of this section by state or local law
17 enforcement agencies ~~shall~~**must** be accomplished only as a secondary
18 action when an operator of a motor vehicle has been detained for a
19 suspected violation of another section of this act.

20 (8) Failure to wear a safety belt in violation of this section
21 may be considered evidence of negligence and may reduce the
22 recovery for damages arising out of the ownership, maintenance, or
23 operation of a motor vehicle. However, that negligence ~~shall~~**must**
24 not reduce the recovery for damages by more than 5%.

25 (9) A person who violates this section is responsible for a
26 civil infraction.

27 (10) A law enforcement agency shall conduct an investigation
28 for all reports of ~~police harassment~~**inappropriate enforcement** that
29 result from the enforcement of this section.

1 ~~(11) The secretary of state shall engage an independent~~
2 ~~organization to conduct a 3-year study to determine the effect that~~
3 ~~the primary enforcement of this section has on the number of~~
4 ~~incidents of police harassment of motor vehicle operators. The~~
5 ~~organization that conducts the study shall submit a report to the~~
6 ~~legislature not later than June 30, 2001 and an annual report not~~
7 ~~later than June 30 each year thereafter.~~

8 **(11)** ~~(12)~~—The secretary of state shall promote compliance with
9 the safety belt requirements of this section at the branch offices
10 and through any print or visual media determined appropriate by the
11 secretary of state.

12 **(12)** ~~(13)~~—It is the intent of the legislature that the
13 enforcement of this section be conducted in a manner calculated to
14 save lives and not in a manner that results in the ~~harassment~~
15 **inappropriate enforcement of this section against** the citizens of
16 this state.

17 **(13)** ~~(14)~~—Points ~~shall~~ **must** not be assessed under section 320a
18 for a violation of this section.

19 Enacting section 1. This amendatory act takes effect 180 days
20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. ____ or House Bill No. 4512 (request no.
23 02596'23) of the 102nd Legislature is enacted into law.