

SENATE BILL No. 994

February 17, 2004, Introduced by Senators BIRKHOLZ, McMANUS, KUIPERS and ALLEN
and referred to the Committee on Transportation.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 710e. (1) This section does not apply to a driver or
2 passenger of any of the following:

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

4 (b) A bus.

5 (c) A motorcycle.

6 (d) A moped.

7 (e) A motor vehicle if the driver or passenger possesses a
8 written verification from a physician that the driver or
9 passenger is unable to wear a safety belt for physical or medical
10 reasons.

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

3 (g) A commercial or United States postal service vehicle that
4 makes frequent stops for the purpose of pickup or delivery of
5 goods or services.

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

9 (2) This section does not apply to a passenger of a school
10 bus.

11 (3) Each driver and front seat passenger of a motor vehicle
12 operated on a street or highway in this state shall wear a
13 properly adjusted and fastened safety belt, except that a child
14 less than 4 years of age shall be protected as required in
15 section 710d. If there are more passengers **16 years of age or**
16 **older** than **there are** safety belts available for use, and all
17 safety belts in the motor vehicle are being utilized in
18 compliance with this section, the driver of the motor vehicle is
19 in compliance with this section.

20 (4) Each driver of a motor vehicle transporting a child
21 4 years of age or more but less than 16 years of age in a motor
22 vehicle shall secure the child in a properly adjusted and
23 fastened safety belt. ~~If the motor vehicle is transporting more~~
24 ~~children than there are safety belts available for use, all~~
25 ~~safety belts available in the motor vehicle are being utilized in~~
26 ~~compliance with this section, and the driver and all front seat~~
27 ~~passengers comply with subsection (3), then the driver of a motor~~

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

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

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

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

25 (8) A law enforcement agency shall conduct an investigation
26 for all reports of police harassment that result from the
27 enforcement of this section.

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

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

12 ~~—— (11) The secretary of state shall conduct a study with the~~
13 ~~cooperation and contribution of the directors of the department~~
14 ~~of state police, the department of community health, the state~~
15 ~~transportation department, and the insurance bureau to analyze~~
16 ~~the monetary savings, if any, arising from the enactment of the~~
17 ~~amendatory act that added this subsection. The secretary of~~
18 ~~state shall report the findings of the study to all of the~~
19 ~~following not later than May 1, 2000:~~

20 ~~—— (a) The senate and house of representatives appropriations~~
21 ~~committees.~~

22 ~~—— (b) The senate and house of representatives fiscal agencies.~~

23 (11) ~~—(12)—~~ It is the intent of the legislature that the
24 enforcement of this section be conducted in a manner calculated
25 to save lives and not in a manner that results in the harassment
26 of the citizens of this state.

27 (12) ~~—(13)—~~ Points shall not be assessed under section 320a

1 for a violation of this section.