

## **Traffic Benchbook—Third Edition, Volume 1**

### **May-August 2009 Updates**

Updates have been issued for the Traffic Benchbook, Volume 1. A summary of each update appears below. The updates have been integrated into the website version of the benchbook; consequently, some of the page numbers may have changed. Clicking on the links below will take you to the page(s) in the benchbook where the updates appear. The text added or changed in each update is underlined.

### **Chapter 2: Civil Infractions**

#### **[2.7\(A\) Safety Belt Violations](#)**

Effective June 26, 2009, 2009 PA 57 amended MCL 257.710d(2) to require certain drivers transporting a child under the age of four to place the child in an approved child restraint system in the rear seat, if available.

Specifically, MCL 257.710d(2), as amended, states:

“A driver transporting a child as required under [MCL 257.710d(1)] shall position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children less than 4 years of age, then a child less than 4 years of age may be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger air bag is deactivated.” MCL 257.710d(2).

Effective June 26, 2009, children being nursed are no longer excepted from the requirements of MCL 257.710d. 2009 PA 57.



of this section during the preceding year, then enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this act.”

## A. Child Restraint Violations

The child restraint statute, MCL 257.710d(1), states:

“[E]ach driver transporting a child less than 4 years of age in a motor vehicle shall properly secure that child in a child restraint system that meets the standards prescribed in 49 C.F.R. 571.213.”

**Note:** Whether a child is properly secured, whether a child restraint system is federally approved, or whether a safety belt is properly adjusted and fastened are determined by the federal motor vehicle safety standards under Title 49 of the Code of Federal Regulations. See 49 CFR 571.

“Properly secure” means that children less than 20 pounds (infants) must face the rear of the vehicle. Federal motor vehicle safety standards require the manufacturer to label the car seat and include printed instructions. 49 CFR 571.213, §§5.5–5.6.

“A driver transporting a child as required under [MCL 257.710d(1)] shall position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children less than 4 years of age, then a child less than 4 years of age may be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger air bag is deactivated.” MCL 257.710d(2).

### Exceptions:

“The secretary of state may exempt . . . a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system . . . is impractical because of physical unfitness, a medical problem, or body size. . . .” MCL 257.710d(6).

~~“This section does not apply to any child being nursed.” MCL 257.710d(2).~~

“This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.” MCL 257.710d(3).

