

JURISDICTION:  
General Reference:

**MICHIGAN**  
Michigan Compiled Laws Annotated

Required Use of Safety Belts<sup>1</sup>:

Requirements:

I. When a motor vehicle is in operation, each driver and front seat passenger shall wear a safety belt. However, a passenger does not have to comply with this requirement, if all of the available safety belts are in use. §257.710e(3) See Child Safety Restraint Systems below.  
II. When operating a motor vehicle, a driver shall secure each child ≥4 but <16 years in a safety belt.<sup>2</sup> §257.710e(4)  
**Enforcement.** If after December 31, 2005 there has been less than 80% compliance with the above two requirements within the preceding year, a law enforcement officer can only enforce these requirements as a secondary action after a driver has been detained for another violation of the vehicle code. §257.710e(5)  
III. A person operating an autocyycle on a highway shall wear a seat belt. §257.658(5)

Sanctions for Failure to Use or  
Require the Use of Safety Belts:

Civil Infraction<sup>3</sup>: A fine (including court costs) of **\$25**. §§257.6a, 257.710e(7) & 257.907(2) Note: Points shall not be assessed against an offender's driver record for a violation of either I or II above. §257.710e(13)

Effect on Civil Liability:

Failure to wear a safety belt in violation of the requirements in I or II above may be considered evidence of negligence and may reduce the recovery for damages by not more than 5%.<sup>4</sup> §257.710e(6)

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<sup>1</sup>**Exemptions.** The requirement to use a safety belt does not apply in the following circumstances: (1) To persons riding (a) in vehicles manufactured before January 1, 1965, (b) a bus, (c) a motorcycle or (d) a moped; (2) to persons who for physical or medical reason cannot use a safety belt; (3) to persons riding in motor vehicles that are not required to have safety belts; (4) to persons riding in commercial or U.S. Postal Service vehicles that make frequent stops to pickup or deliver goods or services; (5) to rural carriers of the U.S. Postal Service while performing official duties; and, (6) to passengers on a school bus. §257.710e(1) Note: The exemption provided for U.S. Postal Service vehicles also includes vehicles owned and used by Postal Service employees while on official business. 1985-1986 Op. Atty. Gen. Mich. 287

<sup>2</sup>A driver does not have to comply with this requirement if the number of children to be secured exceeds the number of safety belts available. Unsecured children have to be seated in other than the front seat and all front seat passengers must be secured. In the case of pickup trucks where all safety belts are being used and where such vehicles do not have an extended cab or jump seats, unsecured children may be transported in the front seat without a safety belt. §257.710e(4)

<sup>3</sup>A violation of the requirement to wear a seat belt when operating an autocyycle on a highway appears to be a misdemeanor. The sanctions for this misdemeanor are an imprisonment term of not more than **90 days** and/or a fine of not more than **\$100**. §§257.658(5) & 257.901

<sup>4</sup>In situations where an "unbelted" rear seat passenger is injured, evidence of safety belt non-use may be admitted as evidence "to support an affirmative defense" of comparative negligence (410 N.W.2d at 721). *Lowe v. Estate Motors Ltd*, 410 N.W.2d 706 (Mich. 1987) Note: The court explicitly expressed no opinion on the "applicability" of §257.710e with regard to mandatory safety usage for front seat passengers.

## MICHIGAN

### Required Use of Child Safety Restraint Systems<sup>5</sup>:

Requirements: When transporting a child <4 years old in a motor vehicle, a driver shall secure such child in a Federally approved child restraint system.<sup>6</sup> §257.710d(1)

Sanctions for Failure to Require the Use of Child Restraint Systems: Civil Infraction: A fine of not more than **\$10**. §§257.6a, 257.710d(4) & 257.907(2) However, an offender is also liable for **\$5** in court costs. §257.710d(13) Note: Points shall not be assessed against an offender's driver record. §257.710d(5)

Effect on Civil Liability:

### Required Use of Motorcycle Protective Headgear<sup>6</sup>:

Requirements: I. A person operating or riding on a motorcycle shall wear a State approved crash helmet. §257.658(4)  
II. A person <19 years operating a moped on a public highway shall wear a State approved crash helmet. §257.658(4)

Sanctions for Failure to Use: Misdemeanor: A violation of the requirement to wear a crash helmet appears to be a misdemeanor. The sanctions for this misdemeanor are an imprisonment term of not more than **90 days** and/or a fine of not more than **\$100**. §§257.658(4) & 257.901 Note: The law does not appear to assign points for a violation of these requirements.

### Required Use of Motorcycle Eye Protection Device:

Requirements: A person, who is operating a motorcycle without a windshield and is traveling >35 MPH, must wear either goggles, a transparent face shield or eyeglasses. §257.708a

Sanctions for Failure to Use: Misdemeanor: A violation of the requirement to use an eye protection device appears to be a misdemeanor. The sanctions for this misdemeanor are an imprisonment term of not more than **90 days** and/or a fine of not more than **\$100**. §§257.708a & 257.901 Note: The law does not appear to assign points for a violation of this requirement.

### Required Use of Bicycle Protective Headgear:

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<sup>5</sup>**Exemptions.** These requirements do not apply in the following circumstances: (1) To children being nursed; (2) to children being transported in a bus, school bus, taxicab, moped, motorcycle or a motor vehicle that is not required to be equipped with safety belts; and, (3) to "class" of children who are exempt by the State Secretary of State because of either physical or medical reasons. §257.710d(2), (3) & (6)

<sup>6</sup>Persons either operating or riding in "low-speed vehicles" must wear an approved crash helmet. Generally, a "low-speed vehicle" is an electrically powered motor vehicle that (1) is designed to operate a speed ≤35 MPH, (2) has capacity of ≤4 persons including the driver and (3) weighs ≤2,000 lbs. §257.25b & 257.658b

Requirements: **None**  
Required Use of Bicycle Protective Headgear:  
(continued)

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements: A motor vehicle operator shall not allow a person <18 years old to ride in the open bed of a pickup truck on any highway, road or street in a city, village or township at a speed >15 MPH. §257.682b(1)

Sanctions for a Violation: Civil Infraction-Only a fine is imposed for a Civil Infraction. The actual fine that is to be imposed on an offender is determined by a fine schedule that is established by each district or municipal court. §§257.682b(3), 257.907(7) & 600.8827(5)

Exemptions: This requirement does not apply to: (1) Motor vehicles operated as part of a an authorized parade; (2) military vehicles; (3) authorized emergency vehicles; (4) motor vehicles controlled or operated by an employer or an employee of a farm operation, construction business or similar enterprise during the course of employment; and, (5) motor vehicles used to transport search and rescue teams to and from an emergency site. §257.682b(2)