

The Red Light Alert

Michigan Now Ranks No. 2 in Safety Belt Use

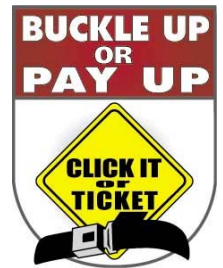
Governor Jennifer M. Granholm praised Michigan's accomplishments in traffic safety following the recent release of state-by-state safety belt use by the National Highway Traffic Safety Administration. The report ranks Michigan's new 94.3% safety belt use rate as second only to Washington, which recorded a usage rate of 96.3%.

Michigan has experienced five consecutive years of increasing safety belt use. During that same time period, the number of traffic fatalities, injuries and crashes steadily decreased. In fact, in 2005, the state reached the lowest traffic fatality level since 1945, and the lowest number of traffic-related injuries since 1959.

"Thanks to significant strides in reducing deaths on our roadways, Michigan continues to set the standard for traffic safety nationwide," said Colonel Peter C. Munoz, director of the Michigan State Police. "These results are even more impressive when you consider that more vehicles travel more miles each and every year."

The official safety belt use rate of 94.3 %, the highest ever recorded in Michigan, was derived by trained observers from the Wayne State University Transportation Research Group who conducted an end-of-summer direct observation survey at various locations throughout the state. The results reveal Michigan's belt use rate rose slightly from 94% in May 2006.

"These positive results represent a true team effort that involved local police agencies, sheriff offices and Michigan State Police as well as host of other traffic safety partners across the state," said Michael L. Prince, OHSP division director.



Michigan experienced its first significant increase in safety belt use in 2000 when the state's primary enforcement law took effect. Belt use went from 70% with a secondary enforcement law to 83.5% that year. Safety belt use in Michigan first climbed above 90% in 2003, reaching 90.5 percent. In 2005, belt use jumped again, reaching 92.9%.

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Administrative Rule Changes for the BAC DataMaster

On February 2, 2007 new Administrative Rules went into effect. There are a few changes that need to be noted.

One significant change are the requirements during the 15 minute observations period. It now says: "A person may be administered a breath alcohol analysis on an evidential breath alcohol test instrument only after being observed for 15 minutes by 1 or more appropriate class operators pursuant to R 325.2658(4) before collection of the breath sample, during which period the person shall not have smoked, regurgitated, or placed anything in his or her mouth, except for the mouthpiece associated with the performance of the test. The observation may be conducted by more than 1 operator working in concert. The operator need not stare continuously at the subject, but must be close enough to be aware of the person's actions and conditions. The operator may

complete paperwork, enter data into the breath test instrument, or conduct other reasonable tasks during the observation period provided the subject is within the operator's field of vision. Breaks in the observation lasting only a few seconds do not invalidate the observation if the operator can reasonably determine that the subject did not smoke, regurgitate, or place anything in his or her mouth during the break in the observation." R 325.2655 Rule 5(1)(e)

As you can see, the rule now says that more than one person can do the 15 minute observation, that the operator need "not stare" and that paperwork maybe completed while doing the observation. Note however, that if more than one person is doing the observation, they both must be certified to operate a DataMaster test, or in other words, a Class 2 Operator.



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Administrative Rule Changes

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Also in the rules are definitions of a number of words. A "Calendar Week" is now defined as "12:01 a.m. Sunday to midnight Saturday," and a "Calendar Month" is defined as "12:01 a.m. on the first date of any of the 12 months of the year to midnight on the last date of the same month." Additionally, "Should" and "Shall" are also defined. Shall is defined as mandatory, and should is defined as recommended, but not mandatory.

As noted, these rules went into effect - February 2, 2007. You can find the new rules on-line at:

www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=32502651&Dpt=SP&RngHigh.

Michigan is No. 2

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For every 1% increase in safety belt use, an estimated 10 traffic deaths and 130 serious injuries are prevented annually.

Currently, only 10 states and Puerto Rico have belt use rates above 90%, with rates varying across the country from as low as 63.5% in New Hampshire and Wyoming to a high of 96.3% in Washington. The national use rate stands at 81%.

To help maintain Michigan's success, the Governor's Traffic Safety Advisory Commission (GTSAC) developed a comprehensive, long-range plan designed to guide future traffic safety endeavors. The *State of Michigan Strategic Highway Safety Plan* identified twelve areas of emphasis such as motorcycle safety, intersection safety and senior mobility and safety.

The complete GTSAC plan is available on the Michigan Office of Highway Safety Planning (OHSP) Web site at www.michigan.gov/ohsp.

Attorney General Opinion

City Can't Ticket Based on Unmanned Device

An ordinance adopted by a city that allows it to issue civil infraction citations for violating a traffic control signal from evidence gathered from an unmanned photo or video device that is located somewhere besides a railroad grade crossing is in conflict with the Michigan Vehicle Code and therefore invalid, Attorney General Mike Cox said in an opinion released January 30, 2007.

The opinion (No. 7199) was requested by Rep. Barbara Farrah (D-Southgate).

"Although home rule cities may adopt a code by passing an ordinance under their general police powers, a municipality is precluded from enacting an ordinance if the ordinance directly conflicts with the state statutory scheme addressing

that subject or if the state statutory scheme pre-empts the ordinance by occupying the field of regulation which the municipality seeks to enter, to the exclusion of the ordinance, even where there is no direct conflict between the two schemes of regulation," Mr. Cox wrote.

For a complete copy of the opinion, go to www.michigan.gov/ag/ and click on AG Opinions.

