



SECTION IV

Examples of The Effectiveness of Primary Laws

Evaluations of the effectiveness of primary laws have consistently shown noteworthy benefits. A systematic review of evidence by the Centers for Disease Control and Prevention examined 13 studies and reported that primary laws increase use by an average of 14 percentage points and reduce occupant fatalities by 8 percent compared to secondary laws.²⁶ Appendix F, which provides a summary of safety belt use rates by law type, illustrates the increased safety belt usage in primary law States.

The following are some impressive examples of the effectiveness of primary enforcement laws in raising safety belt use:

Tennessee: Safety belt use rates rose from 68.5 percent in 2003 to 72 percent in 2004, after Tennessee passed its primary law. In 2005, the rate was 74.4 percent.

Illinois: The safety belt use rate in Illinois rose from 74 percent in 2002 to 80 percent in 2003, after passage of a primary law.

Oklahoma: When Oklahoma upgraded its belt law to primary enforcement in 1997, the usage rate increased from 48 percent (1996) to 68 percent in 2001, an increase of 20 percentage points. In 2005, the rate was 83.1 percent.

New Jersey: When New Jersey introduced its primary enforcement safety belt use law in 2000, its usage rate climbed from 63 percent in 1999 to 74 percent in 2000. In 2005, New Jersey's safety belt use rate rose to 86 percent.

Michigan: In 1999, the safety belt use rate in Michigan was 70 percent. After Michigan upgraded its belt law to primary enforcement, the safety belt use rate in 2000 climbed to 84 percent—a 14-percentage-point increase, and reached 93 percent in 2005.

Alabama: After the introduction of its primary enforcement safety belt use law, Alabama's safety belt usage rate rose dramatically from 58 percent in 1999 to 79 percent in 2001. In 2005, the rate was 82 percent.

Successes in Other Countries

Many other countries have safety belt use rates significantly higher than the United States. For example, use rates in Canada, Australia, New Zealand and many Western European countries exceed 90 percent. The majority of safety belt use laws in these countries allow primary enforcement and cover occupants of light trucks and vans, in addition to automobiles. Fines for noncompliance are generally higher than in the United States, and some jurisdictions assess demerit points against driver licenses for safety belt violations.



SECTION V

Public Support For Safety Belt Use Laws

In 2003, NHTSA conducted a survey²⁷ among a national sample of approximately 6,000 people age 16 and older to determine attitudes, knowledge, and experience with safety belt laws and their enforcement. Support for safety belt use laws was enormously positive, as was support for safety belt use.

Attitudes, Knowledge, and Experience with Safety Belt Laws and their Enforcement

The vast majority (88%) of the public favored safety belt laws for front seat occupants.

Among persons who supported front seat safety belt laws, 80 percent also supported applying safety belt laws to back seat adult passengers.

Almost two-thirds (65%) of the population age 16 and older supported fines for drivers who did not wear safety belts. About half that many supported points against the license as a penalty.

Almost everyone (94%) believed their States had laws requiring safety belt use. They most often thought the law covered drivers, children in the front, and adult passengers in the front.

Awareness of Primary/Secondary Enforcement Provisions in their State

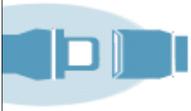
Approximately two-thirds (66%) of the public who believed that their State had a safety belt law thought the law permitted primary enforcement.

Ninety-five percent of the public agreed with the statement “If I were in an accident, I would want to have my seat belt on.”²⁸

A recent Institute (Insurance Institute for Highway Safety) survey of California drivers found 90 percent favor the state’s belt use law, which allows for primary enforcement. Even though police enforce this law more aggressively than in most other States, only 22 percent of the Californians surveyed thought the law was being very strictly enforced. Fifty-nine percent thought it should be very strictly enforced, and 46 percent thought the penalty should be higher than the \$20 fine that’s currently imposed.²⁹

“So there’s plenty of public support and no reason at all for legislators to shy away from enacting primary laws or for police to scale back enforcement efforts,” noted Susan Ferguson, Institute senior vice president for research.

“The Governors’ Highway Safety Association strongly encourages all States to adopt and enforce primary safety belt use laws that apply to all occupants in all seating positions.”³⁰



In primary enforcement States, about three-fourths of the total population believed their State had a safety belt law that included primary enforcement provisions.

In secondary enforcement States, almost half (46%) of the people believed their State law had primary enforcement provisions. Approximately a third thought it had secondary enforcement provisions.

Drivers were more likely to report that they wore their safety belt "all of the time" while driving if they resided in States having primary enforcement provisions (89%), as opposed to secondary enforcement provisions (81%).

Support for Primary Enforcement

Overall, 64 percent of the population believed that police should be allowed to stop a vehicle if they observed a safety belt violation when no other traffic laws were being broken, compared to 61 percent in 2000.

Perceived Risk of Personally Being Ticketed

Almost half (46%) of drivers considered it very or somewhat likely that they would receive a ticket if they did not wear their safety belt at all while driving over the next six months. The perceived risk of being ticketed was higher among drivers in primary enforcement States, and higher among drivers who tended to wear their safety belt more often.

Preferred Level of Enforcement Activity

When asked to rate on a 10-point scale how strictly they believed the police should enforce safety belt laws, the public's response was mixed. They most often picked a value of "10" meaning "Police should give tickets at every opportunity," although responses also clustered at the middle and low end of the scale. The average score was 6.3.

Increasing Acceptance of Primary Enforcement

The number of States (plus DC and Puerto Rico) with safety belt laws that contain provisions permitting primary enforcement has increased substantially since the survey was first administered, reaching 18 at the time of the 2003 survey (It reached 25 at the time of this publication.) Consistent with that increase:

- The percentage of the population who believe their State law permits primary enforcement has steadily increased, reaching 66 percent in 2003 from 49 percent in 1994.
- Support for primary enforcement has also steadily increased, from 52 percent in 1996 (when the question was first asked) to 64 percent in 2003.





SECTION VI

Responding to Objections to a Primary Safety Belt Use Law

Although primary enforcement has been shown to save lives, prevent injuries, and save money, some still oppose it. If people do not know the facts, politically sensitive issues such as infringement of individual rights and harassment may become obstacles to the passage of primary enforcement laws.

In NHTSA's 2003 Motor Vehicle Occupant Safety Survey (MVOSS),³¹ the predominant reason given for why a safety belt violation should be treated differently (secondary versus primary enforcement) from other traffic violations was that wearing safety belts should be a personal choice (48%). However, only 18 percent of respondents said that not wearing a safety belt was not a serious violation, or that it does not pose a risk to others (16%).

Personal Choice and Individual Rights

The argument of personal choice and individual rights is used in opposition to many traffic safety laws, but particularly in opposition to safety belt laws. There is little question that all traffic laws impose some degree of control on individuals because they require actions that some people do not take voluntarily. But driving is an important privilege; it is not a right.

The legitimacy of most traffic laws (for example, driving on the right side of the highway, driving with lights on, signaling prior to turns) is often accepted because it is quite apparent that failure to obey such laws could result in serious harm to oneself and to others. Opponents of safety belt use laws frequently claim that a person has

the "right" not to use a safety belt because the only one who is likely to be injured as a result is oneself; however, this is not true.

When a crash occurs, unbelted occupants frequently injure other occupants and drivers have more difficulty controlling their vehicle. In addition, children riding with unbelted adults are much less likely to be buckled up, as compared to children riding with belted adults. And the cost of increased deaths and injuries associated with failure to use a safety belt is borne by everyone.

In a Massachusetts case (*Simon v. Sargent*), the United States Supreme Court in November 1972, affirmed this fact. The high court wrote, "... From the moment of injury, society picks the person up off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job; and, if the injury causes disability, may assume the responsibility for his and his family's continued subsistence. We do not understand a state of mind that permits a plaintiff to think that only he himself is concerned."³²

Concern About Harassment

Individuals and organizations that oppose upgrades to primary safety belt laws often claim that such upgrades will lead to an increase in the harassment of minority groups. They cite personal experiences, court cases, and incidents that have been reported in the news media as evidence of such potential for harassment. But,



According to NHTSA's 2003 Motor Vehicle Occupant Safety Survey, 67 percent of African-Americans and 74 percent of Hispanics supported primary enforcement of safety belt laws.

these opponents seldom provide any evidence that primary laws have resulted in any systematic changes in enforcement activity that could be interpreted as harassment of minority groups.

To the contrary, a recently published study, conducted by members of the Social Science and Research Division at the University of Michigan's Transportation Research Institute, shows a lack of increased harassment when Michigan upgraded to a primary safety belt law.³³ The study examined three measures of safety belt related harassment: 1) citizen complaints arising from the enforcement of the safety belt law, 2) citation over-representation among certain groups based on their presence in the driving populations, and 3) self-reported harassment among the population of people who receive safety belt citations. As presented, the findings of the study found that:

- Safety-belt-related complaints were very uncommon both before and after Michigan passed its primary law.
- Implementation of primary enforcement did not lead to an increase in citation over-representation, thus there was no suggestion of safety-belt-related harassment by sex, age, or race.
- The vast majority of people who received a citation reported that officer behavior was professional and that they did not feel they were being singled out for their citation.

Therefore, the evidence indicated that changing from secondary to primary safety belt enforcement did not lead to increased police harassment. However, it was noted that among young drivers and African-Americans there was a moderate perception of harassment. The study authors concluded that while secondary law States should continue efforts to upgrade to a primary law, they should educate both law enforcement and the public about the issue of harassment.

In other studies in Louisiana and Georgia, researchers also found that, while minority groups thought their chances of getting a safety belt ticket were higher than Whites, analysis of citation data in test locations revealed no differences in ticketing by race that would suggest disproportionate increases in enforcement activity among minority groups. Younger drivers, males, and those who drove more than 15,000 miles a year did receive proportionately more citations, as would be expected based on usage rates and exposure.^{34 35 36}

Results of an evaluation of Maryland, Oklahoma, and the District of Columbia's change to primary enforcement published in January 2001 also support a lack of harassment.³⁷ As stated in the results section of the report: "Non Whites more than Whites reported feeling the threat of receiving a ticket for not wearing a safety belt, even though there was no significant relationship between race and those who actually received a safety belt ticket." The research also found that "...citation data that identified race confirmed there was either no difference in non-White versus White ticketing, comparing secondary to primary enforcement, or a greater increase in ticketing went to Whites following the change to a primary enforcement law."

The potential for harassment, however, still is an ongoing concern that is not limited to, or created by, primary safety belt laws. Therefore it is important that State and local law enforcement leaders actively provide public assurances that safety belt use laws will be enforced uniformly in all segments of the population. More specifically, they should be encouraged to review and reaffirm their departmental policies and training programs to ensure that this practice does not occur. They should also take steps to let the public know that the harassment issue is one that they take very seriously and that they have policies and procedures in place to address it.



APPENDIX A

The Facts: It's Time to Buckle Up³⁸

Safety Belts Make a Difference

It is estimated that safety belts, the most effective safety devices in vehicles today, save over 11,000 lives each year.

Among passenger vehicle occupants over 4 years old, safety belts saved an estimated 15,434 lives in 2004. If ALL passenger vehicle occupants over age 4 wore safety belts, 21,273 lives (that is, an additional 5,839) could have been saved in 2004.

Ejection from the vehicle is one of the most injurious events that can happen to a person in a crash. In fatal crashes in 2004, 74 percent of passenger vehicle occupants who were totally ejected from the vehicle were killed. Safety belts are effective in preventing total ejections: only 1 percent of the occupants reported to have been using restraints were totally ejected, compared with 29 percent of the unrestrained occupants.

More than one-half of the passenger vehicle occupants killed in traffic crashes in 2004 were unrestrained.

Motor Vehicle Crashes – Who's at Risk?

Motor vehicle crashes are the leading cause of death for the age group 4 through 34 years old.³⁹

Motor vehicle crashes are the leading cause of death for African-Americans from age 1 through 14 years of age and are the second leading cause of death for African-Americans between 15 and 34 years of age.⁴⁰

Motor vehicle crashes are the leading cause of death for Hispanics from 1-44 years of age,

and are the third leading cause of death for Hispanics of all ages.⁴¹

Teens have higher fatality and injury rates in motor vehicle crashes than any other age group. They also are less likely to be buckled up than any other age group. (Young people between the ages of 16 and 20 are considered teens for the purposes of this fact sheet.)

In 2004, 62 percent of 16- to 20-year-old passenger vehicle occupants killed in crashes were not wearing a safety belt.

Young drivers (16-20) have the highest driver involvement rates (based on 100,000 licensed drivers) in fatal crashes. The rate in fatal crashes for teens was 61.75 compared to 29.20 for all drivers in 2004.

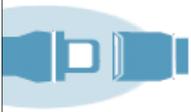
Rural Americans face greater risk of being injured or killed in a traffic crash than those who live and commute in urban areas.

The motor vehicle fatality rate in rural areas is more than double the fatality rate in urban areas.

Pickup truck drivers and their passengers, particularly those in rural areas, are the least likely group to buckle up.

Nationally, drivers and passengers in pickup trucks consistently have lower safety belt usage rates than the occupants of automobiles, vans and sport utility vehicles (SUVs).

According to NHTSA's 2005 National Occupant Protection Use Survey (NOPUS), the observed safety belt use rate was only 73 percent in pickup trucks compared to 83 percent in passenger cars and 85 percent in SUVs and vans.



The Facts: The Economic Cost of Non-Belt Use

Motor vehicle crashes not only affect the individual crash victim, they affect society as a whole. The following information is taken from a NHTSA report⁴² that examined the economic costs resulting from motor vehicle crashes during 2000. It provides a broad perspective on the all encompassing affect that traffic crashes have on our society.

- The cost of motor vehicle crashes that occurred in 2000 totaled \$230.6 billion. This is equal to approximately \$820 for every person living in the United States and 2.3 percent of the U.S. Gross Domestic Product.
- The lifetime economic cost to society for each fatality is over \$977,000. Over 80 percent of this amount is attributable to lost workplace and household productivity.
- Each critically injured survivor cost an average of \$1.1 million. Medical costs and lost productivity accounted for 84 percent of the cost for this most serious level of non-fatal injury.
- Lost workplace productivity costs totaled \$61 billion, which equaled 26 percent of the total costs. Lost household productivity totaled \$20.2 billion, representing 9 percent of the total costs.
- Total property damage costs for all crash types (fatal, injury, and property damage only) totaled \$59 billion and accounted for 26 percent of all costs.
- Property damage only crashes (in which vehicles were damaged but nobody was injured) were the most costly type of crash, due to their very high rate of occurrence. Their costs totaled \$59.8 billion and accounted for 26 percent of total motor vehicle crash costs.

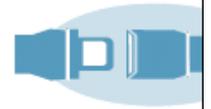
- Present and future medical costs due to injuries occurring in 2000 were \$32.6 billion, representing 14 percent of the total costs. Medical costs accounted for 26 percent of costs from non-fatal injuries.
- Travel delay cost \$25.6 billion or 11 percent of total crash costs.
- Approximately 9 percent of all motor vehicle crash costs are paid from public revenues. Federal revenues accounted for 6 percent and States and localities paid for approximately 3 percent. Private insurers pay approximately 50 percent of all costs. Individual crash victims pay approximately 26 percent while third parties such as uninvolved motorists delayed in traffic, charities, and health care providers pay about 14 percent. Overall, those not directly involved in crashes pay for nearly three quarters of all crash costs, primarily through insurance premiums, taxes and travel delay. In 2000 these costs, borne by society rather than by crash victims, totaled over \$170 billion.

The Cost to Employers⁴³

- Including wage-risk premiums, on-the-job crashes cost employers over \$24,500 per crash and \$128,000 per injury.
- In one year, off-the-job crash injuries cost employers approximately \$20 billion.
- Employer health care (medical) spending on crash injuries is nearly \$8 billion every year. Another \$9 billion is spent on sick leave and life and disability insurance for crash victims.

Safety Belt Use Can Reduce These Costs

- Hospital charges for an unbelted driver admitted as an inpatient exceed the inpatient hospital charges of a belted driver by \$5,000.
- NHTSA estimates that a national safety belt use rate of 90 percent would save Medicare and Medicaid \$356 million per year.
- Increasing the national safety belt use rate to 90 percent would produce an economic savings of about \$8.8 billion annually.



Q's & A's Regarding Primary Safety Belt Laws

The following questions and respective answers address some of the key arguments used by opponents of primary safety belt laws.

Question: Doesn't the State have more important things to do than to devote attention and resources to increasing safety belt use?

Answer: *Traffic crashes are a leading threat to public health. Increasing safety belt use is still the single most effective and immediate way we can save lives and reduce injuries on America's roadways. Safety belts are estimated to save over 11,000 lives in America each year. And those who don't buckle up are costing all of us money and the consequences of lost productivity.*

Question: Doesn't a primary law infringe on an individual's freedom of choice?

Answer: *A primary safety belt law is no more intrusive of an individual's freedom than any other law. As with other laws, for example building and fire codes, it is the legitimate responsibility of government to provide for the protection of its citizens.*

Question: Will a primary law really make a difference for people who don't want to wear safety belts?

Answer: *States that have changed to primary laws have experienced an average 10-15 percent increase in safety belt use.*

Question: Haven't public education campaigns done a good job of teaching the younger generation about safety belt safety? Don't we teach teenagers about safety belts and traffic crashes in driver education classes?

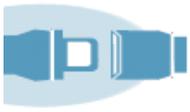
Answer: *The facts show that education alone does not convince most young people to buckle up. Safety belt use declines from age five to about 25. For those at age 18, safety belt use is far below the national average. Why? Young people—especially young men ages 16-25—simply do not think about being injured or killed. Yet they are the nation's highest risk drivers, responsible for a large percentage of impaired driving, speeding, and crashes. For this tough-to-reach group, stronger belt laws, enforcement and the fear of losing their driver's license work when neither education nor fear of death or injury does the job.*

Question: What's wrong with the (secondary) law we already have?

Answer: *It only allows for enforcement if a police officer observes another violation, such as speeding or a broken tail light.*

Question: Isn't a secondary law sufficient for getting people to wear safety belts?

Answer: *Allowing for primary enforcement procedures enhances the perceived importance of a safety belt use law by both the public and the law enforcement community. This enhanced perception ultimately leads to greater compliance. In 2005, the average safety belt use rate in States with primary enforcement laws was 10 percentage points higher than in States without primary enforcement laws—an indicator that secondary laws alone are not sufficient. Safety belt use enforcement is the only traffic violation in which some State laws do not allow for primary enforcement.*



Myths and Facts Regarding Safety Belt Use

Myth: "I'm better off not wearing a safety belt because, in case of fire or submersion in water, I won't be able to escape."

Fact: *Most crash fatalities result from the force of impact or from being thrown from the vehicle, not from being trapped. All studies show you are much more likely to survive a crash if you are buckled in. Ejected occupants are four times as likely to be killed as those who remain inside.*

Myth: "I don't need to wear a safety belt. My car has an air bag."

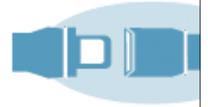
Fact: *Air bags are supplemental restraints and are designed to be used with safety belts. They help protect adults in a frontal crash, but they don't provide protection*

in side or rear impact crashes or in rollovers. Safety belts are needed for protection in all types of crashes and work well with air bags to provide optimum safety. In fact, safety belts help prevent air bag injuries by keeping occupants the proper distance away from deploying air bags.

Myth: "I have a right to choose not to wear a safety belt because, if I get hurt, the only one I'm hurting is myself."

Fact: *When someone is injured or dies in a traffic crash, society pays many of the costs, including emergency services, uninsured medical care, tax-supported rehabilitation programs, higher insurance costs, and survivor payments. In addition, a belted driver has a better chance of maintaining control of the vehicle in the event of a crash, protecting passengers and others on the road.*





APPENDIX B

Fundamentals for Upgrading from a Secondary to a Primary Safety Belt Use Law

Knowledge of the legislative process, a strong, well-written safety belt law, and support from local and national partners will aid in the passage of a primary law.

Knowledge of the Legislative Process

Consider the following insights gleaned from a study of six States that passed primary laws.⁴⁴

- Clarify the overall legislative objective—stay focused on the passage of a primary law. Understand the need for compromise on the details, e.g., exemptions and fines.
- Understand the unique complexity of the political situation in your State—learn who the players are and what leverage is available.
- Identify and respond to opposition arguments—identify opportunities for persuasive compromise and vote-changing leverage, e.g., a sunset provision (a clause in a statute or regulation that terminates or repeals all or portions of the law after a specific date, unless further legislative action is taken to extend it), language to recognize harassment concerns, etc.
- Identify barriers not directly related to overt opposition, e.g., a committee chair who isn't a strong supporter of traffic safety or the Governor's priorities.
- Look for emerging opportunities and threats to passage—trading support for other pending legislation, making legislative compromises, e.g., lower fines.
- Identify opportunities for organizations and individuals to play effective roles—use representatives of a traffic safety coalition to

testify, have individuals speak with key legislators about their concerns.

- Capitalize on dramatic incidents that affect political will—provide key legislators with statistics and the names of individuals killed in crashes in their home district, identify legislators who have been in a motor vehicle crash.

A Strong, Well-Written Safety Belt Law

Having a strong, well-written safety belt law is crucial to saving lives. The National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) developed a model primary safety belt law for States to consider when upgrading their safety belt legislation (see Appendix C). Using this model law as a framework for safety belt legislation can be a tremendous help, as this sample legislation has been thoroughly researched and reviewed by traffic safety experts. NCUTLO is a private, non-profit membership organization dedicated to providing uniformity of traffic laws and regulations through the timely dissemination of information and model legislation on traffic safety issues. More information about NCUTLO is available on their Web site at www.ncutlo.org. Another excellent resource that is available on NHTSA's Web site (www.nhtsa.dot.gov) is titled, "Implementing a Standard Enforcement Seat Belt Law in Your State: A How-to Guide."

National Partnerships

NHTSA has worked with hundreds of partners nationwide by providing educational resources, research data, and technical support regarding safety belt laws. For more information, visit NHTSA's Web site at www.nhtsa.dot.gov.



APPENDIX C

Model Law

Standard (Primary) Safety Belt Model Law
National Committee on Uniform Traffic Laws and Ordinances
June 16, 1997
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Purpose: The purpose of this legislation is to reduce injuries and fatalities on the streets, roads and highways by requiring all drivers and all passengers to wear safety belts meeting applicable federal motor vehicle safety standards while riding in motor vehicles and by authorizing primary enforcement.

Section 1: Title

This act may be cited as the [State's] Safety Belt Use Act.

Section 2: Definitions

As used in this act:

- (a) "Motor vehicle" means any motor vehicle having a gross vehicle weight of 10,000 pounds or less that is required to be equipped with safety belts by Federal Motor Vehicle Safety Primary No. 208. Passenger cars are required to have belts if built after December 31, 1967. Light trucks and multi-purpose vehicles are required to have safety belts if built after December 31, 1971.
- (b) "Driver" means a person who drives or is in actual physical control of a motor vehicle.
- (c) "Safety belt" means any strap, webbing, or similar device designed to secure a person in a motor vehicle including all necessary buckles and other fasteners, and all hardware designed for installing such safety belt assembly in a motor vehicle.

Section 3: Application

This act shall apply to drivers and all occupants of motor vehicles on the streets, roads, and highways of this State.

Section 4: Operation of motor vehicles with safety belts.

- (a) Each driver of a motor vehicle in this State shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when operating a motor vehicle.
- [(b) Alternate 1 - The driver of a motor vehicle in this State shall not operate a motor vehicle unless the driver secures or causes to be secured in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards all passengers and secures any passenger 12 or younger in the rear seat, unless all available rear seats are in use by other passengers 12 or younger.]
- [(b) Alternate 2 - The driver of a motor vehicle in this State shall not operate a motor vehicle unless every occupant is secured in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards and consistent with the [State's] child restraint use law.]
- (c) Every occupant of a motor vehicle in this State shall have a safety belt meeting applicable federal motor vehicle safety



standards properly fastened about his or her body at all times when the vehicle is in operation.

Section 5: Exemptions

- (a) The provisions of sections (4) (c) shall not apply to children covered by [cite to the State's child restraint use act or law].
- (b) The provisions of section (4) shall not apply to persons with a physically disabling condition whose physical disability would prevent appropriate restraint in safety belts, provided, however, such condition is duly certified by a physician who shall state the nature of the condition, as well as the reason such restraint is inappropriate.
- (c) The provisions of this law shall not apply to passenger cars built prior to December 31, 1967 and possessing no safety belts.
- (d) The provisions of this law shall not apply to passenger vehicles which are not required to be equipped with safety belts under federal law.

Section 6: Penalties

A person who violates section (4) (a), (b), or (c) of this act shall be punished by a fine of not less than \$25.00 nor more than \$50.00, [and court costs].

Drafters' Notes:

On the Purpose:

In the absence of limitations on enforcement, all laws authorize standard ("primary") enforcement. Consequently, no special language is needed to authorize primary enforcement of safety belt laws.

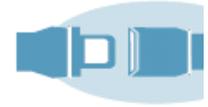
Secondary safety belt laws uniquely restrict enforcement by specifying that officers may not issue a citation solely for a belt infraction, but also must have another legal reason to stop the vehicle.

This model law is a primary law. Nevertheless, the drafters strongly recommend use of the term "standard safety belt use law" in describing this or any other safety belt law which does not restrict enforcement because the absence of a secondary provision limiting enforcement merely establishes an enforcement standard comparable to other traffic laws.

This model is intentionally silent on the admissibility in civil lawsuits of evidence of noncompliance with safety belt usage requirements.

The drafting committee notes that a number of proposals have been made (and some enacted) which would alter State tort law as applied to lawsuits arising from traffic crashes where potential plaintiffs were not wearing a safety belt.





Some of these proposals would require that such noncompliance always be admissible evidence, while others would stipulate that noncompliance with a safety belt law could never be admitted into evidence. The drafting committee believes that no such provision(s) should be included in any safety belt law, and any such provisions now enacted should be repealed, in order to allow the application of traditional State tort law to determine civil lawsuit evidentiary questions.

On Section 4(b)

In the event of a crash, the rear seat is the safer seating position. The drafters recommend language to provide maximum protection to children 12 and under (4(b) Alternate 1). This issue is particularly important in light of injuries and fatalities that have occurred when infants and young children have gotten in the path of an air bag early in its inflation. The risk is greatest for infants in rear-facing child restraints and unbelted children traveling in the front seats of vehicles with passenger side air bags.

On Section 5

Taxicab exemptions are common. The following additional Section 5 (e) is offered to exempt drivers from responsibility for adult passengers but not for underage passengers. [(e) The provisions of Section (4) (b) shall not apply to taxicab drivers [with regard to passengers age 18 or older].”

On Section 6:

License sanctions (e.g., “points”) have been shown to be among the most effective methods of increasing compliance with traffic laws. Survey research has demonstrated that persistent safety belt law violators are unwilling to use safety belts even when high fines are imposed. They report that license sanctions would, however, increase their compliance. The following is offered for those legislators wishing to consider imposition of points or other license sanctions for violators of the Safety Belt Law.

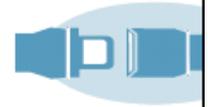
For States with point systems:

“Section 6: (b) A person who violates Section 4 (a) or (b) of this act shall be assessed 2 points.”

For States that do not have point systems:

“Section 6: (b) Violation of Section 4 (a) or (b) shall be considered a minor moving offense for the purpose of driver license records.”

States may choose to raise the upper limit of the range of fines, but should not consider reducing the lower limit of the range.



APPENDIX E

Potential Supporters of Primary Enforcement and Other State Traffic Safety Laws

Potential Supporters of Primary Enforcement

State Government officials

- Highway safety office/Governor's Representative
- Insurance commissioner's office
- State police or highway patrol

Local Government officials

- Municipal police chiefs and police departments
- County sheriffs and sheriffs' offices
- City and county health agencies
- Childcare agencies

Education officials, including:

- Administrators and other school officials
- School boards
- Principals
- PTAs

Business leaders

- Chambers of commerce
- Leading local companies/major employers
- Insurance companies
- Sports teams
- Civic groups

Medical and safety community

- Doctors, nurses, and other health care professionals
- State associations representing health care professionals
- Emergency medical squads/fire and rescue departments
- State and local highway safety groups



APPENDIX F

State Safety Belt Laws

State Safety Belt Laws, Effective Date and Belt Usage in 2005

Primary Enforcement			Secondary Enforcement		
STATE	EFFECTIVE DATE	USAGE IN 2005	STATE	EFFECTIVE DATE	USAGE IN 2005
*Alaska	5/1/06	78.4%	Arizona	1/1/91	94.2%
Alabama	12/10/99	81.8%	Arkansas	7/15/91	68.3%
California	1/1/93	92.5%	Colorado	7/1/87	79.2%
Connecticut	1/1/86	81.6%	Florida	7/1/86	73.9%
Delaware	7/3/03	83.8%	Idaho	7/1/86	76.0%
Georgia	7/1/96	89.9%	Kansas	7/1/86	69.0%
Hawaii	12/16/85	95.3%	Maine	12/27/95	75.8%
Illinois	7/3/03	86.0%	Massachusetts	2/1/94	64.8%
Iowa	7/1/86	87.1%	Minnesota	8/1/86	83.9%
Indiana	7/1/98	81.2%	Missouri	9/28/85	77.4%
**Kentucky	7/12/06	66.7%	Montana	10/1/87	80.0%
Louisiana	9/1/95	77.7%	Nebraska	1/1/93	79.2%
Maryland	10/1/97	91.1%	Nevada	7/1/87	94.8%
Michigan	4/1/00	92.9%	North Dakota	7/14/94	76.3%
*Mississippi	5/27/06	60.8%	Ohio	5/6/86	78.7%
New Mexico	1/1/86	89.5%	Pennsylvania	11/23/87	83.3%
New Jersey	5/1/00	86.0%	Rhode Island	6/18/91	74.7%
New York	12/1/84	85.0%	South Dakota	1/1/95	68.8%
North Carolina	10/1/85	86.7%	Utah	4/28/86	86.9%
Oklahoma	11/1/97	83.1%	Vermont	1/1/94	84.7%
Oregon	12/7/90	93.3%	Virginia	1/1/88	80.4%
*South Carolina	12/9/05	69.7%	West Virginia	9/1/93	84.9%
Tennessee	5/20/04	74.4%	Wisconsin	12/1/87	73.3%
Texas	9/1/85	89.9%	Wyoming	6/8/89	N/A
Washington	6/01/02	95.2%			
Puerto Rico	1/19/75	92.5%			
District of Columbia	10/1/97	88.8%			
Total: 25 States Plus Puerto Rico and the District of Columbia.			Total: 24 States New Hampshire does not have an adult safety belt law.		

*The primary safety belt law HAD NOT taken effect in these States when the safety belt usage survey was conducted.
 ** Kentucky's law carries a 6 month warning period. The law will be enforced beginning January 1, 2007.