

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

February 17, 2004

1:30 p.m.

MEMBERS PRESENT

Representative Jim Holm, Chair
Representative Beverly Masek
Representative Dan Ogg
Representative Nick Stepovich

MEMBERS ABSENT

Representative Vic Kohring
Representative Mary Kapsner
Representative Albert Kookesh

COMMITTEE CALENDAR

HOUSE BILL NO. 392

"An Act relating to motor vehicle safety belt violations."

- HEARD AND HELD

HOUSE BILL NO. 387

"An Act relating to fines for offenses committed within school zones."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 438

"An Act relating to motorists moving over or slowing down for emergency vehicles."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 392

SHORT TITLE: SEAT BELT VIOLATION AS PRIMARY OFFENSE

SPONSOR(S): REPRESENTATIVE(S) HEINZE

01/20/04	(H)	READ THE FIRST TIME - REFERRALS
01/20/04	(H)	TRA, JUD
02/17/04	(H)	TRA AT 1:30 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE CHERYLL HEINZE

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 392 as sponsor.

JON BITTNER, Staff

to Representative Cheryl Heinze

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: During discussion of HB 392, answered questions.

ALLEN STOREY, Lieutenant

Central Office

Division of Alaska State Troopers

Department of Public Safety (DPS)

Anchorage, Alaska

POSITION STATEMENT: During testimony on HB 392, provided information and answered questions.

DON SMITH, Administrator

Alaska Highway Safety Office (AHSO)

Division of Statewide Planning

Department of Transportation & Public Facilities (DOT&PF)

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 392.

KEVIN E. QUINLAN, Chief

Safety Advocacy Division

National Transportation Safety Board (NTSB)

Washington, D.C.

POSITION STATEMENT: During discussion of HB 392, provided pertinent information.

MARTHA MOORE, Coordinator

Alaska Trauma Registry

Department of Health and Social Services (DHSS)

Juneau, Alaska

POSITION STATEMENT: Related the department's support of HB 392.

JOAN DIAMOND

Anchorage, Alaska

POSITION STATEMENT: Testified to the need for Alaska to have a seat belt law.

ROB KAUFFMAN

(No address provided)

POSITION STATEMENT: Provided information with regard to the Harborview Injury Prevention and Research Center study as well as general information related to the State of Washington's experience with a law such as that proposed in HB 392.

JANE FELLMAN, Coordinator
Kenai Peninsula Safe Kids Coalition
Soldotna, Alaska

POSITION STATEMENT: Testified in support for HB 392.

SCOTT HAMANN
Kenai, Alaska

POSITION STATEMENT: Testified in opposition to HB 392.

WALT MONEGAN, Chief
Anchorage Police Department
Municipality of Anchorage
Anchorage, Alaska

POSITION STATEMENT: During discussion of HB 392, related his thoughts as a member of law enforcement.

JENNIFER RUDINGER, Executive Director
Alaska Civil Liberties Union (AkCLU)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 392.

ACTION NARRATIVE

TAPE 04-4, SIDE A
Number 0001

CHAIR JIM HOLM called the House Transportation Standing Committee meeting to order at 1:30 p.m. Representatives Holm, Masek, and Ogg were present at the call to order. Representative Stepovich arrived as the meeting was in progress. Representative Gatto was also in attendance.

HB 392-SEAT BELT VIOLATION AS PRIMARY OFFENSE

CHAIR HOLM announced that the first order of business would be HOUSE BILL NO. 392, "An Act relating to motor vehicle safety belt violations."

The committee took a brief at-ease.

Number 0110

REPRESENTATIVE CHERYLL HEINZE, Alaska State Legislature, speaking as the sponsor, explained that HB 392 does not add another law because it is already against the law [not to wear a seat belt while riding in a motor vehicle]; instead the bill would make it a primary [offense] for failure to wear a seat belt. This would mean that a police officer can stop a [vehicle] if an [occupant] is not wearing a seat belt. She offered the scenario of a senator from Alaska who was visiting Washington State and wore a seat belt, when normally she wouldn't, because it was required by law. She suggested that the law works. She talked about a 16-year-old boy being killed because he wasn't wearing a seat belt. If this law is passed, [the legislature] may be a part of saving a life. She remarked, "It could be no greater gift that I could give back to the people of Alaska than to save a life." She explained that 37 Alaskans died [in accidents] last year while unrestrained, and statistics suggest that half of those people [could have been saved by wearing a seat belt]. She remarked, "What if we could save one, and what if it were or had been the 16-year-old boy; ... that's why I'm here; that's why I'm asking for your help; and that's why I firmly believe that we must not walk away from this responsibility."

REPRESENTATIVE STEPOVICH asked if an officer can take other actions when stopping a vehicle for a seat belt violation.

Number 0425

JON BITTNER, Staff to Representative Cheryl Heinze, Alaska State Legislature, responded that he believed so, but he wasn't certain. He deferred the question to the department.

Number 0556

ALLEN STOREY, Lieutenant, Central Office, Division of Alaska State Troopers, Department of Public Safety (DPS), related that this legislation would give DPS the ability to take enforcement action for a seat belt offense the same as other traffic offenses. He said if an officer observes a person making an illegal turn or rolling through a stop sign, the officer would contact the person based on his or her observation of the offense. He said if an officer observed a person driving without a seat belt, the officer could make contact with the person and determine whether a citation or a verbal warning is appropriate. Lieutenant Storey said currently, an officer has

to wait and observe the vehicle committing another infraction before making contact to talk about a seat belt violation.

REPRESENTATIVE STEPOVICH asked about stopping a vehicle for other purposes and then discussing the seat belt violation.

LIEUTENANT STOREY pointed out that there are many good people who, for a variety of reasons, don't wear a seat belt, and aren't driving in a manner that currently allows [law enforcement] to make contact to discuss wearing a seat belt. He noted that there has been some discussion indicating this will give law enforcement the ability to check seat belts, which is not true. A violation would have to be observed, and therefore the occupants of a [moving vehicle] would have to be observed unrestrained, at which point the officer could make contact and decide what enforcement action to take, he explained.

Number 0720

REPRESENTATIVE GATTO asked if it is possible to determine, with certainty, that a seat belt is not being used.

LIEUTENANT STOREY replied no. He said if there is any doubt in the officer's mind, contact would not be made. However, of primary concern to law enforcement are blatant violations in which children or adults are out of position as a result of improper restraint. "I'm sure you ... frequently see children hopping around ... and moving around in the seats; those are the kinds of situations that we have concerns about," he remarked.

REPRESENTATIVE GATTO asked if it would be possible to ascertain that a seat belt would have prevented a fatality.

LIEUTENANT STOREY deferred to the legislative liaison for DPS. From the perspective of law enforcement, Lieutenant Storey said the first thing he looks for at a serious injury accident is whether seat belts were utilized or not. If no seat belts were worn in a serious accident, there is a much higher probability of serious physical injuries or fatalities, and therefore the investigation proceeds in that light. The primary concern of law enforcement officers at accident scenes is whether seat belts were worn or not because that provides them knowledge regarding whether it's going to be a serious injury accident.

Number 0857

REPRESENTATIVE HEINZE asked if drunk drivers are noticed more when not wearing a seat belt.

LIEUTENANT STOREY answered that it's certainly one of the things that help develop a reasonable suspicion and then probable cause. He explained that a person who may be under the influence of alcohol is impaired and may very likely choose not to use a seat belt or simply overlook it.

Number 0962

REPRESENTATIVE STEPOVICH asked what currently prevents an officer who witnesses gross negligence, such as an unrestrained child, from stopping the vehicle.

LIEUTENANT STOREY said in situations involving unrestrained children, the officer would make contact and "ask them to do the right thing and get everybody secured." If a driver or passenger is not wearing a seat belt, it is likely that the children are also not restrained. He highlighted that children learn from their parents, and therefore [law enforcement] would like to be able to make contact and have those kinds of discussions when the driver or passenger isn't wearing a seat belt.

REPRESENTATIVE STEPOVICH asked if a vehicle can be stopped if that situation is observed.

LIEUTENANT STOREY replied yes.

REPRESENTATIVE STEPOVICH expressed concern about "guess work."

LIEUTENANT STOREY clarified that he'd like to call it professional instincts. The troopers won't stop people for seat belt violations unless there is a clear observation that there's a seat belt violation occurring. "We have good discretion on whether we want to cite that person or simply have a discussion with them about the use of the seat belt and the importance of it. That's typical officer discretion on traffic contact," he related.

REPRESENTATIVE STEPOVICH remarked, "We trust that you guys will handle it right as we trust people to wear seat belts."

LIEUTENANT STOREY replied, "I appreciate your trust."

REPRESENTATIVE HEINZE asked how much seat belt usage would go up if this were put into law and the public was aware of it.

LIEUTENANT STOREY related that during his involvement in a couple of holiday enforcement efforts when it's widely known that enforcement of seat belts is a priority with law enforcement, the use of seat belts typically increased to between 10 and 20 percent during those periods of interest. However, without continued emphasis, it tends to taper back off again. Lieutenant Storey further related that the Alaska Highway Safety Office statistics show that the current law caused seat belt usage to increase, although it still needs to be improved. "We're still not at the levels we should be," he remarked.

CHAIR HOLM mentioned profiling, and said he somewhat shared Representative Stepovich's concern that "we don't automatically consider somebody as a law breaker just by chance."

Number 1185

DON SMITH, Administrator, Alaska Highway Safety Office (AHSO), Division of Program Development, Department of Transportation & Public Facilities, provided the following testimony:

I've only been in this job since November 1, of last year, if you'd have asked me this question six months ago or eight months ago, I probably would've thrown out my libertarian, conservative views that I don't want government telling me what to do You've heard that, I'm sure, from lots of people, but after I've had an opportunity for almost four months to look at some of the statistics, the reports, the information that we generate every month. ... I've come to the conclusion that we definitely need to have a primary seat belt law.

MR. SMITH said he thought that passing this law would probably increase seat belt usage in Alaska by at least 11 percentage points, which would put it in a range of 90 percent usage. If this law were on the books, it could save 6 - 10 lives next year. Mr. Smith informed the committee that seat belt usage increased during the past year due to the "Click It or Ticket" ads, which emphasized the need to buckle up. [The ad campaign] has raised the rate of usage during the past year by about 13 points. Mr. Smith suggested that approximately 40 percent of people involved in traffic accidents in Alaska were not wearing

seat belts and 95 people lost their lives in 2003. He said [putting this bill into law] would definitely save some lives, and furthermore the chance of receiving [a citation] will make some people be more careful.

MR. SMITH pointed out that those accidents with unrestrained people cost millions of dollars for which all of society pays. Therefore, he emphasized the importance of wearing a seat belt, which is an easy thing to do, doesn't really cause all that much trouble for the public, and saves lives. In conclusion, he strongly urged the committee to pass the bill.

Number 1415

KEVIN E. QUINLAN, Chief, Safety Advocacy Division, National Transportation Safety Board (NTSB), informed the committee that the bill packet contained his written testimony and a brochure entitled, "NTSB Most Wanted." He explained that the NTSB is an independent federal transportation and accident investigation agency that [investigates] highway crashes on a selective basis, because it can't investigate all crashes. Since the states have primacy in highway crashes, the NTSB works closely with the states. The NTSB investigates but does not regulate because it has no regulatory authority. More importantly, the [NTSB] does not tell states what to do, rather it asks the states to do the right thing based on its investigations. He noted that the NTSB is known for its scientific integrity and objectivity.

MR. QUINLAN explained that 90 percent of all transportation fatalities occur on highways and seat belts are the number one defense against motor vehicle injuries and fatalities. Furthermore, seat belts prevent ejections, 30 percent of ejections occur when the individual isn't wearing a seat belt. Moreover, approximately 73 percent of ejections result in death. In Alaska there are a lot of light trucks and SUVs [sport-utility vehicles], which are not constructed with crumple zones as cars are, and when those vehicles roll it tends to be catastrophic. Mr. Quinlan related that it's been estimated that a 90 percent nationwide usage rate would result in at least 5,000 fewer deaths and 130,000 fewer injuries. He said it is kind of an anomaly because seat belt use decreases with crash severity. Nearly 600 vehicle occupants died in Alaska from 1994 through 2002, of which 64 percent were unrestrained. Although recent figures suggest [the percent of unrestrained occupants who died] has decreased to 58 percent, it certainly isn't enough.

Number 1579

MR. QUINLAN, in response to Representative Gatto, related that seat belts are between 45 and 75 percent effective in reducing fatalities. He explained that the 45 percent relates to cars and drivers, but does not include back seat passengers. The 75 percent relates to pickup trucks, which have different belt systems and may not have crush protection. Therefore, it is more important for those driving SUVs and pickup trucks to wear a seat belt. He remarked, "Based on that multi-year comparison, if you take a very conservative 50 percent, you could have saved 140 lives." If this law is passed, he said seat belt use will increase among the highest risk drivers, which are teenagers who want to keep their driver's licenses and don't want to get an offense. He said [teenager's] current usage rate is between 30 and 40 percent, and most teenagers killed in crashes are not wearing seat belts. [This law] will also affect those drivers who have [been drinking] because those people do not want to give a police officer probable cause to stop them and find that they've been drinking. He suggested that seat belt use among older drivers will increase [with the passage of this law] because those drivers tend to be law abiding citizens.

MR. QUINLAN remarked:

In 2002, there were 37 fatalities in Alaska, so just for 2002, if you take the 50 percent, that's 18 lives, and using national numbers - now, I know your ... societal costs are higher in Alaska, [and] your medical costs are somewhat higher, but I don't have access to those numbers - so we use the federal numbers, and the federal numbers are \$977,000 for every fatality and \$1.1 million for every serious injury. That means, just on fatalities alone, that you would save \$18 million dollars in one year

MR. QUINLAN suggested that [\$18 million savings] is a significant amount of money, especially in a tight budget situation. He mentioned the Alaska Injury Prevention Center report on safety belt use, which he characterized as a very good report, although the numbers are a little conservative because the report doesn't include fatalities in which the person dies at that roadside, only those admitted to the hospital. The report provides a measure of the injury costs, which he thought was fairly important. Mr. Quinlan highlighted that Washington State adopted primary safety belt legislation a few years ago and now has a 95 percent usage rate. He related that Harborview

Medical Center, a trauma center in Seattle, estimated that it would save \$55 million in one year from injury crashes alone, not including fatalities.

MR. QUINLAN said the law, in other states, has increased seat belt usage by 15 percentage points, and should increase seat belt usage in Alaska to 90-95 percent. The aforementioned is accomplished with public information and periodic enforcement in an effort to remind people to be responsible. The greatest savings in medical costs occur when [seat belt] usage reaches 90 percent, he noted. He pointed out that 20 states and a district now have primary safety belt laws, and several other states are considering it because it really does work. He said the brochure indicates that primary seat belt legislation is on the NTSB's list of "Most Wanted" safety recommendations. Noting that the state has primacy in this area, which is important, he said it would be inappropriate and probably ineffective to regulate from Washington, D.C.

CHAIR HOLM said that hasn't stopped the federal government very much.

MR. QUINLAN said the NTSB does not do that. The NTSB strongly supports the adoption of HB 392 because it is the most effective action that can be taken to reduce highway fatalities and injuries every year. The gains will be permanent and it's the right thing to do, he opined.

Number 1907

REPRESENTATIVE OGG asked why the greatest cost savings occur when seat belt usage is at the 90 percent or above level.

MR. QUINLAN replied that it's because teen drivers and impaired drivers are the highest risk individuals. He mentioned the curve of crash risk for all drivers, which illustrates the aforementioned. He explained that [the use of seat belts] produces more of an effect, reducing fatalities, with the higher risk groups.

REPRESENTATIVE OGG asked, "You won't get to those people until you start getting 90 percent compliance?"

MR. QUINLAN clarified, "As you get to the 90 percent, you're getting more and more benefit." He acknowledged that at each step along the way there will be benefit, although more benefit

will result as the 90 percent is reached because virtually everyone will be buckled up.

REPRESENTATIVE OGG inquired as to why there is no discussion with regard to safety belts on school buses.

MR. QUINLAN offered to provide the committee with a report that NTSB did no this topic. He pointed out that there is a fundamental difference with the structure of school buses and cars, specifically the seats. The seats in cars aren't meant to compartmentalize the rider as they are in school buses. Mr. Quinlan said that it would be preferable to design school buses such that the bus seats would compartmentalize the rider and belt the rider. He explained that in school bus crashes in which there are two-point belts, the body jack-knifes forward causing the head of the child to hit the bar on the seat in front of the child. Mr. Quinlan further explained that there are certain situations in which school buses with belts actually cause injuries. The fundamental answer is that school bus seats need to be redesigned to accommodate seat belts, which would be the most effective option. In further response to Representative Ogg, Mr. Quinlan confirmed that with the present configuration of school buses, it's safer not to have seat belts than to have them.

Number 2085

CHAIR HOLM interjected that it's also true that it's not particularly in the best interest of a truck driver to be anchored to a seat. He also mentioned that it would be preferable to lay down when hitting a moose rather than staying upright [as the seat belt would keep one crashing into a moose].

MR. QUINLAN noted that he read an article about Honda designing passenger cars to be more forgiving to pedestrians while preserving the integrity of the passenger compartment of the vehicle. In further response to Chair Holm, Mr. Quinlan recalled that Federal Motor Carrier Safety Regulation (FMCSR) 23.391 already requires that truck drivers use seat belts. Many states have adopted FMCSR in whole or substantial part, and therefore he guessed that Alaska probably has adopted those.

CHAIR HOLM highlighted that Alaska consists of urban road systems as well as many small rural road systems or no road systems. He questioned the [appropriateness] of having a seat belt law in a location without [much traffic]. He recalled growing up in Alaska and traveling on the tractor or in the back

of a pickup truck. Chair Holm questioned translating [federal] policy in a state as broad as Alaska.

MR. QUINLAN clarified that this policy isn't out of Washington, D.C., but rather has been developed by the states. Mr. Quinlan suggested that the second largest state, Texas, has a primary safety belt law and its usage rate is in the high 80 percent. He further suggested that the seat belt law would be more important in rural areas because the roads are less forgiving.

Number 2264

REPRESENTATIVE STEPOVICH agreed that it's dangerous to drive without wearing a seat belt. However, he inquired as to the statistics that would specify that an individual not wearing his or her seat belt would endanger others on the road.

MR. QUINLAN said that those not wearing seat belts impact others. He noted his interpretation of Section 1.1 of the constitution to specify a responsibility as well as right with regard to wearing a seat belt.

REPRESENTATIVE STEPOVICH highlighted that the constitution also includes the right to privacy, which is the issue of most concern for him.

MR. QUINLAN specified that this legislation would set minimum standards statewide.

REPRESENTATIVE GATTO posed a situation in which a 16 year old drives into a bridge abutment, whether that individual wore a seat belt is irrelevant. Although the statement that seat belts save lives is made, he said he has never seen the data because it's virtually impossible to obtain data specifying that a life would've been saved by a seat belt. However, he acknowledged that when one has been ejected and the vehicle rolls over the individual, it's clear [that life would've been saved by a seat belt].

TAPE 04-4, SIDE B

REPRESENTATIVE GATTO questioned the data related to those individuals who [due to wearing a seat belt] stayed in the vehicle as it rolled, but would've been saved had they been ejected early on. Representative Gatto expressed concern with regard to making a law based on suspicious and somewhat fragmented data.

Number 2363

MR. QUINLAN opined that the state does have the data because there are accident reconstructionists who can determine whether accidents were survivable had seat belts been worn. Mr. Quinlan related his understanding that Representative Gatto was asking for specific cases and an aggregation of those, which he didn't have. However, he predicted that the representative from the injury prevention center would probably be able to relate cases that weren't survivable when seat belts were worn and when they weren't worn. Mr. Quinlan stated that it is known that crashes at very high speeds are relatively rare and seat belts are very effective [in crashes] at speeds up to 45 or 50 miles per hour (mph).

REPRESENTATIVE STEPOVICH surmised then that the statistics that Mr. Quinlan provided are based on people protecting themselves.

MR. QUINLAN replied yes, and added that [wearing seat belts] saves money.

REPRESENTATIVE STEPOVICH expressed his desire to see statistics that illustrate that when one buckles up, it protects other lives.

MR. QUINLAN posed a situation in which one is traveling down a curvy road in excess of the speed limit. [If that individual isn't buckled in], he or she will move around within the vehicle and have less control than otherwise. He was sure the engineers could quantify the aforementioned.

Number 2197

REPRESENTATIVE STEPOVICH reiterated his concern with regard to the right to privacy.

MR. QUINLAN related his understanding that the right to privacy on a public road is limited. Mr. Quinlan highlighted that parents who don't buckle up are less likely to buckle up their children, and therefore this legislation would be beneficial in that realm as well. In further response to Representative Stepovich, Mr. Quinlan confirmed that children up to age four must be restrained. He noted the difficulty the police officer has in determining the age of the child from a distance. Only in the most egregious cases would the police officer stop a car because the police officer must have probable cause.

REPRESENTATIVE STEPOVICH recalled from prior testimony that the same difficulties in relation to whether the individual is wearing a seat belt would occur under this legislation.

MR. QUINLAN pointed out that it's easy to determine whether someone is wearing a seat belt with automobiles, unless the automobile was built before 1975 when the three-point [seat belt] was required. However, it's difficult to determine [if an individual is wearing a seat belt] in pickup trucks because they have a longer lead-in to having the three-point [seat belts].

CHAIR HOLM surmised the question to be: "Wherein does government take a stand and say you have a privilege and these are the things you have to do to maintain that privilege." Driving is seen as a privilege rather than a right. However, he acknowledged the validity of Representatives Gatto and Stepovich's line of questioning regarding where does society step in on matters such as these.

MR. QUINLAN interjected that the government sets the minimum.

Number 2029

MARTHA MOORE, Coordinator, Alaska Trauma Registry, Department of Health and Social Services (DHSS), related the department's support of HB 392. She then paraphrased from the following written testimony [original punctuation provided]:

There were about 43,000 (42,931) Alaskans involved in a car, truck or bus crash in 2001 according to the Department of Transportation's Traffic Accidents Report. (In about 3/4 of these crashes we know seat belt usage.) The unbelted occupants were 19 times more likely to die than those restrained in safety belts, and 12 times more likely to sustain a major injury. Eighty-four percent (84%) of the belted occupants in crashes walked away uninjured, compared with only 60% of the unbelted occupants.

A very revealing statistic from the 1998 Traffic Accident Report, which is the most recent published report that talks about ejections from the vehicle during a crash, is that there were 20 crash victims who were ejected from the vehicle that year, and 19 of them died.

The Alaska Trauma Registry records all hospitalized injuries. In the last decade there were about 3,500 (3315) Alaskans were admitted to a hospital due to a car crash injury. Over half of these victims were not restrained at the time of the crash and they were almost twice as likely to sustain a serious head injury and one and a half times more likely to be discharged with a permanent disability, than the restrained crash victims.

Among the 1,765 patients who were not restrained:

- there were 90 fatalities
- 606 traumatic brain injuries
- 274 permanent disabilities
- 148 were discharged from the hospital to a rehabilitation or skilled nursing facility.

The trauma registry also records hospital costs associated with injury. The data show that the cost of hospitalization alone for an unbelted person injured in a motor vehicle crash is on average about \$22,000 per patient, compared with \$17,000 for someone who used a seat belt and harness. The trauma registry also shows that about 22% of the unbelted victims were uninsured and 31% billed a government program for their hospital care (including 172 billing Medicaid). So for over 50%, the cost of hospitalization is passed directly on to the public.

MS. MOORE, on the last point, highlighted that she is speaking to only the cost of hospitalization, and noted that a head injury often requires a lifetime of care.

Number 1845

REPRESENTATIVE OGG inquired as to the percentage of belted victims who were uninsured.

MS. MOORE related that of the 1,270 belted victims, 196 were uninsured. Therefore, she estimated that to amount to about one-sixth of the [belted victims were uninsured].

Number 1768

JOAN DIAMOND informed the committee that although she works in public health for the City of Anchorage, she is speaking on her own behalf today. Ms. Diamond pointed out that HB 392 is a policy with strong cost-cutting features. The big deal with regard to injuries is related to head injuries. It's difficult to repair brain damage, which results in the need for nursing home stays and long term care rehabilitation. She informed the committee that about one in three of those [with head injuries] bill the government program for hospitalization and rehabilitation costs. Therefore, it's difficult to conceptualize how much Medicaid would pay for that percentage of [victims] who are unbelted.

MS. DIAMOND related that she wears her seat belt and requires every passenger in her automobile to do the same. However, not everyone does. Ms. Diamond noted that it has been 12 years since she first testified with regard to the need for a seat belt law, and now she feels it's time for Alaska to do so.

Number 1645

ROB KAUFFMAN informed the committee that he has conducted federal crash injury research studies for approximately 15 years. He noted that he is currently involved in the Crash Injury Research and Engineering Network (CIREN), which started in late 1996. Mr. Kauffman explained that he would try to bring an understanding with regard to how a body manages the force in a crash. For example, at a speed of 30-35 mph, one hitting a light pole is equivalent to jumping from a three-story building. The seat belt actually displaces the force over a larger surface area of the body and it also provides the individual time to manage the force safely. Therefore, such a crash could be one which someone could survive when wearing a seat belt. However, when one is not wearing a seat belt in such a crash, the body moves forward and the steering column will drive into the chest with almost 4-5 inches of compression into the sternum.

MR. KAUFFMAN turned to an earlier question regarding the safety others experience when an individual wears his or her seat belt. He related that the Harborview Injury Prevention and Research Center recently released a study regarding car occupant death according to the restraint use of other occupants. The study found that if an individual in the front seat is belted in a frontal crash and someone not wearing a seat belt is behind that front seat occupant, that front seat occupant has an increased risk of injury. He explained that the front seat occupant is loading on the seat belt with his or her body, meanwhile an

unrestrained occupant in the rear seat is hitting the seat back, which places more force on the front seat occupant and the seat belt. The study found that almost one in six deaths could've been prevented if the other occupant, either next to or behind the restrained individual, in the car was restrained.

MR. KAUFFMAN returned to a minor residential crash at 30 mph. If everyone is restrained, the individuals should be able to exchange information and walk [away from] the scene. However, when folks aren't belted in a minor crash, the result is moderate to severe injuries requiring basic and advanced life support services to arrive at the scene. All this costs money and taps into emergency service resources. Mr. Kauffman opined that seat belt use would basically eliminate the moderate/minor injuries, and reduce the severe injuries to injuries that are more survivable and treatable.

MR. KAUFFMAN turned to the notion that if one has an airbag, it will protect the individual [even without wearing a seat belt]. However, that's not the case because an unbelted individual will "submarine" under the airbag, which will then hit the individual in the face and head. The aforementioned has resulted in severe neck and head fatalities. Mr. Kauffman specified that an airbag is supplemental to a seat belt, and therefore it's even more important for those with an airbag in the vehicle to wear their seat belt.

Number 1327

REPRESENTATIVE GATTO asked then if Mr. Kauffman would suggest that there be an interconnection between airbags and seat belts so that nonuse of the seat belt would deactivate the airbag.

MR. KAUFFMAN informed the committee that there are vehicles with a dual stage airbag, which has two different inflation rates. However, he didn't believe the airbag should be turned off completely for an unrestrained occupant because airbags were designed to protect unrestrained occupants. Therefore, by leaving the airbag, there would be some reduction in head and chest injuries.

REPRESENTATIVE STEPOVICH commented that Mr. Kauffman's information is valuable. Representative Stepovich turned to the State of Washington's experience and remarked that the law can't be the only thing changing the statistics. Therefore, he requested that Mr. Kauffman elaborate on the other changes, such as education, that has changed the behavior.

MR. KAUFFMAN opined that education definitely influences behavior. If one reviews the deaths by age, the result is a "bath tub curve". The beginning of that curve is the 16-21 year olds and the end of the curve is the elderly who can't handle surviving a crash. Therefore, the [State of Washington] targeted 16-25 year olds and went to high schools to educate these drivers with regard to seat belts. Furthermore, the [State of Washington] used the "Click It or Ticket" campaign and a seat belt video that shows the damage a body sustains in a crash. In further response to Representative Stepovich, Mr. Kauffman informed the committee that when outreach is done, he tries to focus on a singular theme of seat belts.

Number 1070

JANE FELLMAN, Coordinator, Kenai Peninsula Safe Kids Coalition, informed the committee that she has been an emergency room critical care nurse for 30 years. On behalf of the Kenai Peninsula Safe Kids Coalition, she related support for HB 392. Ms. Fellman said that she has experienced very positive response when helping people buckle up children properly. She opined that making failure to wear a seat belt a primary offense is a step forward in saving lives and money. Ms. Fellman highlighted points that the sponsor made with regard to the fact that those parents who don't buckle up are less likely to buckle up their children. She also highlighted Mr. Kauffman's testimony that those who don't buckle up are a "deadly missile" to others in the vehicle.

MS. FELLMAN informed the committee that she has participated in observation stations in which she observed youth driving into school in the mornings. She agreed with the statements that sometimes one can't tell whether the youth is buckled in or not. She explained that during her observations, if it couldn't be determined whether the youth was wearing his or her seat belt, that youth wasn't counted. Still, the percentage came out to be 60-65 percent use. She noted that [Kenai Peninsula Safe Kids Coalition] does education programs with the parents and the youth. In closing, she reiterated that this legislation would be a step forward in making everyone safer.

MS. FELLMAN, in response to Chair Holm, clarified that she works in the emergency department at Central Peninsula General Hospital and she is the coordinator of the Kenai Peninsula Safe Kids Coalition. She said that she didn't have the exact numbers of accident victims who would've been helped had they been

restrained by a seat belt, but deferred to Ms. Moore. However, she commented that the trauma and the emotional and physical pain is definitely worse when the individual isn't restrained by a seat belt.

Number 0843

SCOTT HAMANN announced his opposition to HB 392 for many reasons, including his personal liberty. Mr. Hamann remarked that he found it interesting that Mr. Quinlan said that the federal government doesn't have the right to tell Alaska what to do. With regard to the comments that this legislation would save money, Mr. Hamann pointed out that on the Kenai Peninsula there have been a flurry of major burglaries. However, Captain Tom Bowman, Commander of E Detachment, Alaska State Troopers, has said that he doesn't have enough time, manpower, or money to investigate these crimes. Furthermore, he recalled reading a newspaper article that reported that over half of the rapes in Anchorage aren't being investigated. Mr. Hamann said, "I gotta tell you that I think it's an absolute travesty of justice that major crimes are going uninvestigated, and we're talking about adding a minor offense that's going to force our officers to run around and write tickets for." Therefore, he suggested that when law enforcement can come forward without a major backlog of major burglaries, assaults, rapes, and murders, seat belt use could be discussed at that time.

Number 0725

REPRESENTATIVE STEPOVICH inquired as to Mr. Hamann's affiliation.

MR. HAMANN informed the committee that he is the president of ABATE of Alaska, a motorcycle group, but noted that today he is representing himself.

REPRESENTATIVE STEPOVICH inquired as to why motorcyclists don't have to buckle up.

MR. HAMANN mentioned that there are several motorcycles, which have airbag suits, which would inflate as a course of protection.

CHAIR HOLM noted that on February 7th the U.S. Senate tabled a floor amendment, which would've sanctioned any state not enacting a primary seat belt enforcement law. It was a close vote.

Number 0569

WALT MONEGAN, Chief, Anchorage Police Department, Municipality of Anchorage, acknowledged the concern with regard to privacy and said that law enforcement won't be targeting specific things. However, the department is utilizing a "flavor of the week" concept in which law enforcement attempts to heighten the awareness and compliance because traffic enforcement is really about gaining compliance. Mr. Monegan explained that law enforcement will be able to tell whether folks are wearing seat belts in newer vehicles due to the shoulder harness, and therefore police won't be able to tell whether folks in older vehicles with only a lap belt are wearing the seat belt. He said that law enforcement won't make investigatory stops for the latter because they are too busy for that. He mentioned that since the early 1980s, the Anchorage Police Department has had a policy that its officers on duty wear seat belts.

MR. MONEGAN turned to the matter of education, and related that education has more of an impact if it has a foundation in law. All the school resource officers in the Anchorage high schools are talking about kids being safe when they drive. He noted that he drives an unmarked police car, but he has experienced folks recognizing him or the car and putting on their seat belt. As mentioned earlier, the costs [of not wearing a seat belt] are more than merely monetary. Mr. Monegan characterized this legislation as another tool to help gain compliance.

REPRESENTATIVE STEPOVICH agreed that "we" need to make sure that folks wear their seat belts. However, he questioned whether it has to be the law.

MR. MONEGAN pointed out that the law already exists in that failure to wear a seat belt is a secondary violation, which increased compliance. Law enforcement can stop folks and write them a citation when a child isn't restrained. Mr. Monegan characterized the proposed law as a uniform and resounding statement that seat belts are safe and must be used. The law carries more weight and children pickup on that. Making failure to wear a seat belt a primary offense would bring a heightened awareness. He related that when the high school resource officers did a campaign about seat belts and children, there was about a 79 percent increase in the use of seat belts for children. In fact, Mr. Monegan said he believes that the state was recognized as one of the most improved with regard to [seat

belt use for children]. The aforementioned needs to be accomplished with adults.

REPRESENTATIVE STEPOVICH opined that it isn't necessary to enforce it [as a primary offense] if the other avenues, such as education, are utilized.

TAPE 04-5, SIDE A

REPRESENTATIVE STEPOVICH expressed concern that this law would be used as an ulterior motive to stop people.

Number 0031

MR. MONEGAN recalled Representative Stepovich's comments with regard to profiling. He noted that profiling is against policy, unless there is a specific case with a specific car and suspect. When there is a specific case with a specific car and suspect, it's incident profiling rather than random profiling or racial profiling. He acknowledged that having a strong, unified message doesn't necessarily open the door. Furthermore, there is more to this than the victim because the other uninjured driver would feel miserable as well.

Number 0196

JENNIFER RUDINGER, Executive Director, Alaska Civil Liberties Union (AkCLU), informed the committee that AkCLU is a nonprofit, nonpartisan organization with approximately 1,800 members and supporters throughout Alaska dedicated to preserving individuals' civil liberties. Ms. Rudinger said that the decision whether or not to make the seat belt law a primary offense is a policy decision for the legislature. However, if the legislature decides to make it a primary offense, there must be safeguards built into the law to prevent the law from becoming a pretext for searches that would otherwise be unlawful. She noted that AkCLU sent the committee a written statement and an amendment.

CHAIR HOLM, in response to Ms. Rudinger, announced that the legislation won't be moved from the committee today.

MS. RUDINGER explained that the amendment would place a safeguard in the law ensuring that just the state will have primary seat belt enforcement power and that police won't be able to use seat belt violations as a pretext for pulling folks over for other reasons and then seek consent from the driver to

search his or her car. She expressed hope that the sponsor of HB 392 would support the amendment because the only reason not to accept the amendment is that one wants to give the police a pretext to stop and search cars when they otherwise wouldn't have a legitimate reason to do so. The amendment proposed by AkCLU would insert the following language:

No law enforcement officer shall use AS 28.05.095 as the basis for stopping a motor vehicle for other reasons, and no operator of a motor vehicle shall be requested to consent to a search by a law enforcement officer of his or her motor vehicle which is stopped solely for a violation of AS 28.05.095. Any evidence obtained as a result of a search prohibited by this subsection shall be inadmissible in any judicial proceeding. A person may not be placed under arrest solely for a violation of AS 28.05.095. Nothing herein shall be construed to preclude a search based upon any legally sufficient cause to believe that a search will uncover contraband or evidence of a crime.

MS. RUDINGER explained that the first sentence of the amendment specifies that this law is only for stopping people for seat belt violations. If the impetus for this legislation is, in fact, safety and ensuring people buckle up, then that should be the only reason the law is enacted and enforced. The second sentence of the amendment takes any incentive by law enforcement to force people to consent to searches by specifying that any evidence obtained in such a search would be inadmissible in any judicial proceeding. The third sentence specifies that folks shouldn't be arrested solely for violating the seat belt law. The fourth sentence specifies that if law enforcement, upon stopping someone for a seat belt violation, finds probable cause for another crime, law enforcement should be able to investigate such a situation and obtain evidence.

Number 0628

CHAIR HOLM, upon determining no one else wished to testify, announced that public testimony was closed.

Number 0663

REPRESENTATIVE HEINZE turned to the presence of airbags in automobiles, and informed the committee that airbags only work in frontal crashes whereas seat belts work in all types of crashes. With regard to concerns that law enforcement are

already busy and this legislation would have them "run around and give tickets," she said that isn't the point of the legislation. Furthermore, many felons are identified during traffic stops. With regard to Ambler, Representative Heinze informed the committee that a 13-year-old girl was killed there last year.

REPRESENTATIVE HEINZE found it interesting that commercial and private aircraft are required to have seat belts, and failure to do so is an \$1,100 fine. Representative Heinze acknowledged that Alaskans are fiercely independent folks, but she pointed out that Alaskans aren't stupid. She related that a primary seat belt law would've saved the lives of 37 people last year. Education by itself isn't enough. The law is necessary to change the behavior, while education compliments the law. She stressed, "No state has achieved 90 percent usage without a primary seat belt law."

[HB 392 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 3:18 p.m.