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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

<i>House Judiciary</i>	<i>4/30/85</i>	<i>1:30 pm</i>
<i>" "</i>	<i>5/2/85</i>	<i>1:30 pm</i>

COMMITTEE REPORT
HOUSE

S/a
Rule

(7)

FURTHER:

4/4/85

Date: _____

The Committee on JUDICIARY has had HB 224
"An Act relating to mandatory use of safety devices."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 224 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

 CHAIRMAN

Offered: 4/4/85
Referred: Judiciary

Original sponsor: M.M.Miller

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 224 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mandatory use of safety devices."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 28.05.095 is repealed and reenacted to read:

9 Sec. 28.05.095. USE OF SAFETY DEVICES REQUIRED. (a) Except as
10 provided in (c) of this section, a person may not occupy a motor
11 vehicle while in operation unless restrained by a safety belt.

12 (b) Except as provided in (c) of this section, a driver may not
13 transport a child under the age of seven in a motor vehicle unless the
14 driver has provided and properly secured each child as described in
15 this subsection. If the child is less than four years of age, the
16 child shall be properly secured in a child safety device meeting the
17 standards of the United States Department of Transportation for a
18 child safety device for infants. If the child is between four and six
19 years of age, the child shall be properly secured in a child safety
20 device approved for a child of that age and size by the United States
21 Department of Transportation or in a seatbelt, whichever is appropri-
22 ate for the particular child.

23 (c) Subsections (a) and (b) do not apply to

24 (1) passengers in a school bus or an emergency vehicle;

25 (2, a vehicle operator acting in the course of employment
26 delivering mail or newspapers from inside the vehicle to roadside mail
27 or newspaper boxes;

28 (3) a person or class of persons exempted by regulation
29 under AS 28.05.096;

1 (4) a person required to be restrained by seatbelts under
2 (a) or (b) of this section if the motor vehicle is not equipped with
3 seatbelts; or

4 (5) a motor vehicle exempt under AS 28.10.011(11).

5 (d) A person may not remove a seatbelt from a vehicle solely to
6 be exempted under (c)(3) of this section.

7 (e) Failure to comply with the requirements of this section may
8 not be considered in a determination of the negligence of a party to a
9 civil action.

10 * Sec. 2. AS 28.05.096(a) is amended to read:

11 (a) The commissioner of public safety may adopt regulations to
12 exempt a person [CHILD] or a class of persons [CHILDREN] from the
13 requirements of AS 28.05.095 if the commissioner determines that the
14 use of a [CHILD] safety device is impractical because of physical or
15 medical conditions of the person [CHILD].

16 * Sec. 3. AS 28.05.099 is amended to read:

17 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
18 of AS 28.05.095(a), (b), or (d) [(c)] is guilty of an infraction and
19 may be finned up to \$15 and assessed demerit points as determined by
20 regulations of the department, notwithstanding the provisions of
21 AS 28.15.231(b).

22 (b) A person who violates AS 28.05.095(b) [AS 28.05.095(a)] by
23 failing to provide a child safety device or seatbelt may provide a
24 peace officer, including a village safety officer, proof of purchase
25 or acquisition, and installation, of an approved child safety device
26 or seatbelt. If the proof is provided within 30 days after the issu-
27 ance of a citation for the infraction, the court shall dismiss the
28 citation and no points shall be assessed under (a) of this section
29 unless the person has

1 (1) been convicted previously for violating that section by
2 failing to provide a child safety device or seatbelt;
3 (2) been cited for failure to provide a child safety device
4 or seatbelt and has forfeited the bail required by the citation; or
5 (3) provided the proof required by this subsection on a
6 prior occasion.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 10, 1985

SUBJECT: Sectional Analysis of CSHB 224 (SA)
TO: Representative M. Mike Miller
FROM: George W. Edwards *GWE*
Legislative Counsel

This is in response to your request for a sectional analysis of CSHB 224 (SA) concerning mandatory use of safety devices.

Section 1 AS 28.05.095 is repealed and reenacted. Subsection (a) contains new language that prohibits a person from occupying an operating motor vehicle unless restrained by a seatbelt, except as noted in subsection (c).

Subsection (b) contains the same language currently found in AS 28.05.095(a). It provides that except as noted in subsection (c) a driver may not transport a child under seven years of age in a motor vehicle unless the child is properly secured. A child less than four years of age must be secured in a child safety device. A child between four and six must be secured in a child safety device or in a seatbelt, whichever is appropriate for the particular child. A child safety device must be approved by the U.S. Department of Transportation for the particular size and age of the child using it.

Subsection (c) provides that subsections (a) and (b) do not apply to

- (1) passengers in a school bus or emergency vehicle;
- (2) a vehicle operator while in the course of employment delivering mail or newspapers from a vehicle into roadside boxes.
- (3) a person or class of persons for whom the commissioner determines under AS 28.05.096 that the use of a safety

device is impractical because of a medical or physical condition;

(4) a person otherwise required to be restrained if the motor vehicle is not equipped with seatbelts; or

(5) a motor vehicle exempt under AS 28.10.011(11) as it is driven on a highway or vehicular way not connected to the state highway system established under AS 19.10.020.

Subsection (d) prohibits a person from removing vehicle seatbelts to qualify for an exception under this law.

Subsection (e) provides that a violation of this law may not be considered in determining negligence in a civil court action.

Section 2 AS 28.05.096(a) is amended to authorize the commissioner of public safety to adopt regulations beyond those already in place for children that may exempt any person from a safety device requirement if impractical because of a medical or physical condition.

Section 3 AS 28.05.099(a) is amended to indicate the appropriate subsection designations under the proposed legislation. This subsection retains the classification of the offense as an infraction that subjects the offender to an assessment of points as determined by the department. It establishes a maximum fine of \$15.

Subsection (b) is amended to indicate the appropriate subsection designation under the proposed legislation. There is no substantive change in this section which permits dismissal of a charge when the absence of a required safety device is remedied within 30 days unless the offender violated the same law on a previous occasion.

GWE:csh
c3/096

A M E N D M E N T

Offered in the HOUSE

By M.M. Miller

To: HB 224

Page 1, after line 24, insert a new paragraph to read:

"(2) a vehicle operator acting in the course of employment delivering mail or newspapers from inside the vehicle to roadside mail or newspaper boxes;"

Renumber succeeding paragraphs accordingly

Page 2, after line 3, insert a new subsection to read:

."(e) Failure to comply with the requirements of this section may not be considered in a determination of the negligence of a party to a civil action."

Page 2, line 13, after "be", insert:

"fined up to \$15 and"

Introduced: 2/22/85
Referred: State Affairs
and Judiciary

1 IN THE HOUSE

BY M.M.MILLER

2

HOUSE BILL NO. 224

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to mandatory use of safety devices."

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8 * Section 1. AS 28.05.095 is repealed and reenacted to read:

9 Sec. 28.05.095. USE OF SAFETY DEVICES REQUIRED. (a) Except as
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11 vehicle while in operation unless restrained by a safety belt.

12 (b) Except as provided in (c) of this section, a driver may not
13 transport a child under the age of seven in a motor vehicle unless the
14 driver has provided and properly secured each child as described in
15 this subsection. If the child is less than four years of age, the
16 child shall be properly secured in a child safety device meeting the
17 standards of the United States Department of Transportation for a
18 child safety device for infants. If the child is between four and six
19 years of age, the child shall be properly secured in a child safety
20 device approved for a child of that age and size by the United States
21 Department of Transportation or in a seatbelt, whichever is appropri-
22 ate for the particular child.

23 (c) Subsections (a) and (b) do not apply to

24 (1) passengers in a school bus or an emergency vehicle;

25 (2) a person or class of persons exempted by regulation
26 under AS 28.05.096;

27 (3) a person required to be restrained by seatbelts under
28 (a) or (b) of this section if the motor vehicle is not equipped with
29 seatbelts; or

1 (4) a motor vehicle exempt under AS 28.10.011(11).

2 (d) A person may not remove a seatbelt from a vehicle solely to
3 be exempted under (c)(3) of this section.

4 * Sec. 2. AS 28.05.096(a) is amended to read:

5 (a) The commissioner of public safety may adopt regulations to
6 exempt a person [CHILD] or a class of persons [CHILDREN] from the
7 requirements of AS 28.05.095 if the commissioner determines that the
8 use of a [CHILD] safety device is impractical because of physical or
9 medical conditions of the person [CHILD].

10 * Sec. 3. AS 28.05.099 is amended to read:

11 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
12 of AS 28.05.095(a), (b), or (d) [(c)] is guilty of an infraction and
13 may be assessed demerit points as determined by regulations of the
14 department, notwithstanding the provisions of AS 28.15.231(b).

15 (b) A person who violates AS 28.05.095(b) [AS 28.05.095(a)] by
16 failing to provide a child safety device or seatbelt may provide a
17 peace officer, including a village safety officer, proof of purchase
18 or acquisition, and installation, of an approved child safety device
19 or seatbelt. If the proof is provided within 30 days after the issu-
20 ance of a citation for the infraction, the court shall dismiss the
21 citation and no points shall be assessed under (a) of this section
22 unless the person has

23 (1) been convicted previously for violating that section by
24 failing to provide a child safety device or seatbelt;

25 (2) been cited for failure to provide a child safety device
26 or seatbelt and has forfeited the bail required by the citation; or

27 (3) provided the proof required by this subsection on a
28 prior occasion.

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CENTER
JUNEAU ALASKA 99811
907 465 1800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 8, 1985

SUBJECT: Sectional Analysis of HB 224
(Work Order No. 14-0198)

TO: Representative M. Mike Miller

FROM: George W. Edwards *GNE*
Legislative Counsel

This is in response to your request for a sectional analysis of HB 224 concerning mandatory use of safety devices.

Section 1 AS 28.05.095 is repealed and reenacted. Subsection (a) contains new language that prohibits a person from occupying an operating motor vehicle unless restrained by a seatbelt, except as noted in subsection (c).

Subsection (b) contains the same language currently found in AS 28.05.095(a). It provides that except as noted in subsection (c) a driver may not transport a child under seven years of age in a motor vehicle unless the child is properly secured. A child less than four years of age must be secured in a child safety device. A child between four and six must be secured in a child safety device or in a seatbelt, whichever is appropriate for the particular child. A child safety device must be approved by the US Department of Transportation for the particular size and age of the child using it.

Subsection (c) provides that subsections (a) and (b) do not apply to

(1) passengers in a school bus or emergency vehicle;

(2) a person or class of persons for whom the commissioner determines under AS 28.05.096 that the use of a safety device is impractical because of a medical or physical condition;

(3) a person otherwise required to be restrained if the motor vehicle is not equipped with seatbelts; or

(4) a motor vehicle exempt under AS 28.10.011(11) as it is driven on a highway or vehicular way not connected to the state highway system established under AS 19.10.020.

Subsection (d) prohibits a person from removing vehicle seatbelts to qualify for an exception under this law.

Section 2 AS 28.05.096(a) is amended to authorize the commissioner of public safety to adopt regulations beyond those already in place for children that may exempt any person from a safety device requirement if impractical because of a medical or physical condition.

Section 3 AS 28.05.099(a) is amended to indicate the appropriate subsection designations under the proposed legislation. There is no substantive change in this section which makes violation of this law an infraction and subjects an offender to a point assessment.

Subsection (b) is amended to indicate the appropriate subsection designation under the proposed legislation. There is no substantive change in this section which permits dismissal of a charge when the absence of a required safety device is remedied within 30 days unless the offender violated the same law on a previous occasion.

GWE:csh
c3/032

Position Paper

CS for House Bill No. 224 (State Affairs)

For an Act entitled: "An Act relating to mandatory use of safety devices."

This act repeals and reenacts AS 28.05.095 to require that "a person may not occupy a motor vehicle while in operation unless restrained by a safety belt," except that a child under four years of age shall be properly secured in a child safety device meeting U.S. DOT standards. (This latter section was included in CS SB 163, which passed the Legislature in 1984.)

This bill also would exempt passengers in school buses or emergency vehicles, passengers in vehicles not equipped with seat belts, vehicle operators who deliver mail or newspapers, or persons exempted by public safety regulations if a safety device is impractical because of physical or mental disorders.

The Department of Health and Social Services strongly supports passage of this bill for the following reasons:

- 1) Motor vehicle accidents are a leading cause of death, injury, and long-term disability;
- 2) Numerous studies have shown that seat belts and other approved vehicle restraint systems, such as child safety devices, substantially reduce the likelihood of death or injury to motor vehicle occupants involved in crashes.
- 3) Efforts to educate the public about the benefits of seat belts have resulted in fewer than 2 of every 10 vehicle occupants voluntarily using safety belts while occupying motor vehicles in operation.

BACKGROUND

Motor vehicle crashes are the leading cause of death of persons between 1-34 years of age. For teenagers, car crash fatalities outnumber the next five causes of death combined.

Nationwide, a total of 470,000 persons have died on America's highways in the past decade. Every year 40,000-50,000 persons are killed in auto accidents in the United States, and more than 300,000 persons suffer moderate to critical injuries, many of them young people who will never work again and who will be dependent for the rest of their lives. Motor vehicle crashes have resulted in significantly more deaths and injuries to Americans than all of the wars that have been fought by American troops since the American Revolution.

In Alaska, accidental death has been the leading cause of death for the past several years. Motor vehicle accidents have alternated with drowning as the leading cause of accidental death, with 132 in 1978, 91 in 1979, 88 in 1980, 100 in 1981, 107 in 1982, 150 in 1983, and 134 in 1984.

During the past year New York, New Jersey, Illinois, New Mexico, Missouri, and Michigan have passed mandatory seat belt legislation, and several other states have similar bills under consideration.

Worldwide, about 30 countries have mandated seat belt use. In Canada, four provinces have enacted mandatory seat belt use laws. According to Canadian researchers, without high levels of enforcement, use rates of about 50 percent prevail where mandatory use laws have been enacted, significantly higher than where no seat belt use law is in force. With intense enforcement, rates of 80% have been achievable. Belt use in provinces without seat belt laws remained at approximately 10-15 percent, about the same as observed rates in the United States in areas where belt use is still voluntary.

The overall relative fatality reduction was 11 percent in the four Canadian provinces studied. Reductions in British Columbia and Saskatchewan were 24 percent and 22 percent respectively.

Great Britain's mandatory seat belt law, which took effect in 1983, resulted in an increase in use rates from 40 percent before the law to 95 percent after the law. Front seat occupant fatalities reportedly were reduced by 23 percent, injuries by 26 percent.

According to the Division of Insurance, Department of Commerce and Economic Development, bodily injury claims payments for private passenger non-fleet automobile liability in Alaska, in 1983, totaled \$6,711,670. For the first 3 quarters of 1984, the total was over \$7,873,680, reflecting a significant increase in paid losses. These figures do not include paid losses from other third party payers, such as Medicare, Medicaid, General Relief Medical, Indian Health Service, or Workers Compensation. Clearly, in addition to the unacceptable losses from premature death and disabilities, auto crashes create a significant financial burden, shared by all citizens.

Nationwide, in 1982, according to the American Academy of Pediatrics, 60 children died in school bus crashes and 4,200 were injured. Therefore, we recommend that this bill be amended to require that all new school buses include seat belts, which are estimated to cost approximately \$965.00 extra in a 66 passenger bus.

Driving on publicly funded streets and highways is a privilege, regulated by governments through licensing of drivers, traffic laws, and law enforcement. Therefore, the Department of Health and Social Services does not believe it is unreasonable to require drivers and passengers to use approved safety devices while driving or riding in motor vehicles on public roads. Fastening a seat belt takes less time than stopping at a stop light. Once people get into the habit of wearing seat belts, we believe they will routinely fasten seat belts regardless of the likelihood of being detected by law enforcement officers.

Mandatory seat belt legislation is needed to complement laws against driving while intoxicated and other law enforcement measures, emergency medical services, and highway safety design, in order to significantly reduce deaths and injuries on Alaska's highways.

POSITION

The Department of Health and Social Services strongly supports this bill because we believe it will result in significant decreases in deaths and injuries from motor vehicle accidents on Alaska's highways. However, we recommend that only school buses currently in use be exempted, and that new school buses be required to have seat belts.

Recommended by:

Robert I. Fraser

Robert I. Fraser, M.D.
Director
Division of Public Health

Date:

4/10/85

Approved by:

John R. Pugh
John R. Pugh, Commissioner
Department of Health and
Social Services

Date:

4-14-85

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: CS HB 224
 Title: For an Act relating to man-
 datory use of Safety Devices
 Sponsor: M.M. Miller
 Requestor: _____
 Date of Request: 4-10-85

FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Health & Social
 Services
 BRU, Program or Subprogram(s) Affected: Emergency Medical Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert I. Fraser, M.D. *RIF/DO* Phone: 465-3000
 Division: Public Health Date: April 10 1985

Approved by Commissioner: *Jan By* Date: 4-17-85
 Agency: Health and Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

fcc

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 224

Title: Mandatory Use of Safety
Devices

Sponsor: M.M. Miller

Requestor: House State Affairs

Date of Request: 2-28-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: Life and

Property Protection

BRU, Program or Subprogram(s) Affected:

Highway Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: T. Michael Lewis

Phone: 465-4374

Division: Highway Safety

Date: 2/26/85

Approved by Commissioner: T. Michael Lewis

Date: 2-28-85

Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

7/1/84

Alaska State Legislature



House of Representatives House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

MEMORANDUM

April 23, 1985

TO: Rep. Mike Miller
FROM: denise zachary *dz*
RE: Mandatory Seat Belt Law FACT SHEET

Federal Rule:

Secretary Dole (1984) ordered automatic protection in all new 1990 model cars, unless 2/3 of nation's population adopts state mandatory use laws by April 1, 1989. (this means a minimum of 16 states) Laws must be in effect and enforced by September 1, 1988.

D.O.T. stipulated that states implementing M.U.L. (Mandatory Use Laws) must provide that penalties for violator's not be less than \$25.00.

To encourage air bag, and other technological development, D.O.T. will provide auto companies a credit of 1.5 cars for using technology other than automobile seat belts toward their incremental percentage requirements for auto restraint production.

Dole also announced a joint private sector- U.S. Department of Transportation education campaign on belt use and passive restraints to total \$40 million (\$20 million from private sector, \$20 million of U.S. DOT).

States and State Legislatures:

New York: First state to pass adult mandatory use law, effective Jan. 1, 1985. (Bill was signed into law the day Sec. Dole announced revised rule.)

Bill Provides:

- . all back seat passengers under 4 yrs. shall be restrained in safety seat which meets Federal Motor Vehicle Safety Standards; passengers under 10 yrs. shall be restrained in safety belt
- . all front seat passengers under 16 yrs. shall be restrained in safety belt, or if under 4 yrs. child safety seat - driver pays fine
- . motor vehicle operators shall be restrained by safety belt
- . penalty for violation is civil fine up to \$50.00
- . does not apply to passenger or operator with a physically disabling condition that would prevent appropriate safety restraint
- . Governor's Traffic Safety Committee shall initiate educational program to encourage safety belt and safety seat usage

New Jersey: Signed by Governor on Nov. 8, 1984; effective March 1, 1985.

Bill Provides:

- . each driver and front seat passenger shall wear seat belt; child under 5 yrs. shall be fastened in safety seat
- . act does not apply to driver or front seat passenger if automobile was manufactured before July 1, 1966; if they possess written verification from licensed physician stating inability to wear because of physical or medical conditions; automobile is not required to be equipped with safety belt system under federal law; automobile is operated by a rural letter carrier of U.S. postal service
- . violations: 1st offense = warning;
2nd offense = \$5.00 fine
3rd & subsequent offense = \$20.00
- persons violating act 5 or more times in 3 yr. period shall not be granted driver's license renewal
- . state employees who drive state owned vehicles shall wear seat belts
- . Director of Div. of Motor Vehicles shall study effectiveness of this act and submit report of Legislature
- . Office of Highway Safety shall seek out any funds available from federal government for implementation of this act; funds should be directed to Div. of Motor Vehicles
- . F.N. = \$25,000.00 from G.F. (for implementation)

Illinois: Third state to pass mandatory seat belt use law. Signed by Governor on Jan. 8, 1985; effective July, 1985.

Bill Provides:

- . requires drivers and front-seat passengers to wear seat belt
- . child under 6 yrs. must use child safety restraint
- . penalty = petty offense, maximum fine is \$25.00
- . offenders will be charged only when stopped for another traffic violation
- . exemptions include: vehicles operated in reverse; vehicles that stop/start often and don't exceed 15 mph; U.S. Rural Postal Carriers; vehicles manufactured prior to 1965; and, physician statement that passenger/driver is unable to wear because of medical or physical reasons

Missouri: Signed by Governor on March 5, 1985; effective July 1, 1987.

Bill Provides:

- . penalty is an infraction, fine not to exceed \$10.00, no case points may be imposed
- . Department of Public Safety shall develop program of public information to develop understanding of law
- . exemptions: U.S. Postal Carriers
cars manufactured prior to January 1, 1968
- . law is void is April 1, 1989 U.S.D.O.T. 2/3 population limit is enacted

Michigan: Approved by Governor on March 8, 1985; effective Jan. 1, 1986.

Bill Provides:

- . driver and all front seat passengers must wear seat belts
- . child under 4 yrs. must use child safety restraint
- . child over 4 yrs. but under 16 in front seat of vehicle must use seat belt
- . enforcement is a secondary action when driver is detained for another violation
- . penalty is a civil infraction of \$25.00, no points assessed
- . exemptions: motor vehicles manufactured prior to Jan. 1, 1965
handicapped persons
U.S. Postal Carriers, commercial & rural
school buses
- . statute shall not apply after April 1, 1989 is U.S.D.O.T. requires installation of passive passenger restraints in new automobiles
- . program to encourage compliance with seat belt usage law shall be developed and applicants for operator licenses will be notified of penalties for unlawful use

New Mexico: Approved by Governor April 2, 1985; effective Jan. 1, 1986.

Bill Provides:

- . requires all front seat passengers, when vehicle is in motion, to use seat belts
- . penalty is a misdemeanor, a fine of not less than \$25.00 or more than \$50.00 will be imposed
- . law is enforced whether or not associated with another statute
- . exemptions: handicapped
school buses
- . State D.O.T. with State Public Education & Health & Environment will continue education program to encourage compliance with mandatory seat belt use law

Outlook in Other States: (9/8/84)

Pennsylvania: several belt use laws introduced; amendment adopted to House PASSED bill requiring learner permit holders to wear belts

Texas: major educational program is underway to increase belt use among state employees; child restraint bill passed last year (only Wyoming remains w/out such a requirement)

California: Governor has taken no position on belt use; is studying proposal to raise state's child restraint law to cover children up to 7 yrs.; Senator is pushing legislation to require state vehicles to be equipped with airbags

Massachusetts: Governor promoting educational campaign to increase voluntary belt use; E.O. issued to require public employees to wear seat belts when driving on state business

Other States, cont.

Ohio: Governor E.O. requiring state employees to wear seat belts while on state business

* Brooklin, Ohio: only U.S. municipality with mandatory seat belt law; enacted in 1966 by unanimous city council vote; penalties = 1st violation: oral reprimand; 2nd violation: \$2.00; 3rd: \$5.00

Virginia: bill died in committee last year

Private Sector:

Auto Industry: \$20 million educational campaign managed by Motor Vehicle Manufacturer's Association was formed to encourage enactment of safety belt use

Ford Motor mandated that automakers equip 5% of their production with automatic seat belts or air bags

Ford Motor Company will offer airbags on two 1986 model cars; will provide 5000 driver bag cars for government's fleet

Mercedes-Benz is only car currently offering driver's air bags; purchase is optional: \$880.00

Insurance Industry: State Farm, Nationwide, American Insurance Assn., National Assn. of Independent Insurers, and others filed suit (September 1984) claiming Dole Decision illegally makes Federal auto safety standards dependent on state action and violates congressional requirement that national safety standards be uniform

Case Arguments:

- . does not cover all new car production until 1990 causing "intolerable time lag"
- . do not agree with recinding Dole Rule if 2/3 of states enact seat belt use legislation
- . if only 16 states pass legislation, 75 million people in 34 states will be without seat belt requirements

Many insurers offer a 30% discount on 1st party medical premiums for owners of cars equipped with airbags and give slightly lower discounts for automatic seat belts

Other Interest Groups: Health and consumer groups are in strong support of automatic protection and support passive and mandatory seat belt use laws

EXPECTED IN 1985:

Many states working on different versions of model laws and amendments to be offered to bills already introduced

U.S. Court of Appeals to hear insurance v. Dole lawsuit

U.S. DOT's plan for educational campaign likely to be closely scrutinized by Congress, especially House Appropriations Committee

Statistics:Belt Use:

Deaths and injuries declined in four Canadian provinces (Ontario, Quebec, Saskatchewan, British Columbia) after mandatory seat belt use laws were enacted, but reductions in deaths and injuries were not as much as anticipated.

. driver seat belt use rate increased in B.Columbia and Saskatchewan to 60%; and 68% in Quebec

. rates were found to be highly dependent on enforcement levels

* belt use in provinces without seat belt laws remained virtually unchanged

Fatality and Injury Rates:

. in Quebec and Saskatchewan, no significant changes were found in fatality rates

. Ontario has had a reduction in motor vehicle occupant injury rate and fatality rates

. injury rates did not change in Quebec or B.Columbia, but there was a reduction in Saskatchewan's injury rate

* provinces without laws also experienced reductions in both fatality and injury rates

The overall fatality reduction was 11% in the four provinces studied. The overall reduction in motor vehicle occupant injuries was calculated at 6%.

Great Britain's mandatory seat belt law, which took effect in 1983, reduced fatality rate by 23% and injuries by 26%.

Other Facts:

30 countries have seat belt laws. Victoria, Australia, in 1970, became the first major jurisdiction in the world to mandate seat belt use.

Some states are inserting provisions to prevent their laws from being counted toward the 2/3 qualifying U.S.D.O.T. Rule

- . using less than the \$25.00 required fine
- . inserting language that mandatory seat belt use law would cease to be effective immediate upon date that Secretary of U.S. Dept. of Transportation rescinds rule requiring installation of automobile restraints

* State mandatory usage laws are not an alternative to automatic restraint crash protection, rather, they are a compliment. If only 16 states pass legislation, 75 million people in 34 states will be without seat belt requirements.

INTRODUCTION

Favor Passage of the Mandatory Restraint Law.

1. Motor Vehicle Laws of Alaska - 172 pages
2. Regulations relating to Motor Vehicles - 81 pages

Passage of the Mandatory Restraint Law has the potential of saving more lives each year than all of the current laws and regulations put together.

Example:

The State of New York's mandatory law became effective on December 1, 1984.

- Restraint usage increased from approximately 15% prior to December 1984 to approximately 70% by the end of January 1985. That's a two month time span.
- Traffic deaths in New York decreased by 38% in January 1985 from January 1984.

- In January 1985, the average daily traffic fatality rate in New York was the lowest since February 1926. That's a sixty year period.
- In February 1985, there were 72 people killed in traffic crashes in New York, compared to 130 in February 1984. A 44.6% reduction.
- Should this trend continue, almost 550 lives will be saved in 1985 as compared to 1984 in New York alone.
- Had Alaska attained a 38% decrease in traffic fatalities, a total of 51 Alaskans would have survived 1984.
- Over the last seven years, a 38% reduction in fatalities would translate to over 300 lives saved in Alaska.

FACTS

- Nationwide, almost 50,000 people die in traffic accidents each year.
- The leading cause of death between the ages of 1 and 44 years is traffic crashes.

- Over 4½ million people are injured in traffic crashes each year, of which over two million are disabling injuries.
- Traffic crashes produce more paraplegics and quadriplegics each year than all other cases combined.
- Traffic crashes are the leading cause of new cases of epilepsy.
- On a per case basis for serious injury the average medical payment exceeds \$200,000. The cost of institutional care is an additional \$240,000.
- The economics loss to society from traffic crashes exceeds 57 billion dollars each year.
- In spite of the fact that restraints have been a required safety feature since 1968, the nationwide usage rate is less than 15%.
- Properly used restraints are 50 - 60 percent effective in preventing serious injury or death in traffic crashes.
- During a typical life span of 75 years, the average person is almost certain to be involved in at least one traffic crash, and can expect to experience about six crashes. That person faces a 50% probability of suffering a disabling injury and 1 chance in 50 of becoming a fatality.

- During 1984 in Alaska, 52.2 percent of the highway fatalities involved alcohol. Safety Restraint use is your best defense against the drunk driver.

- Mandatory restraint law is a recommendation of:
 - The Presidents Commission on Drunk Driving.
 - The Anchorage Mayor's Task Force on Drunk Driving
 - The Governor's Task Force on Drunk Driving

- Currently, over 30 countries and five States have mandatory restraint laws and 31 more States are considering this legislation this year.

OPPOSITION

Individual rights - Freedoms

134 people died in auto crashes in Alaska in 1984.

128 exercised their individual rights and chose not to wear their seat belts.

What do their rights mean to them now?

What do these rights mean to the families and friends of those killed?

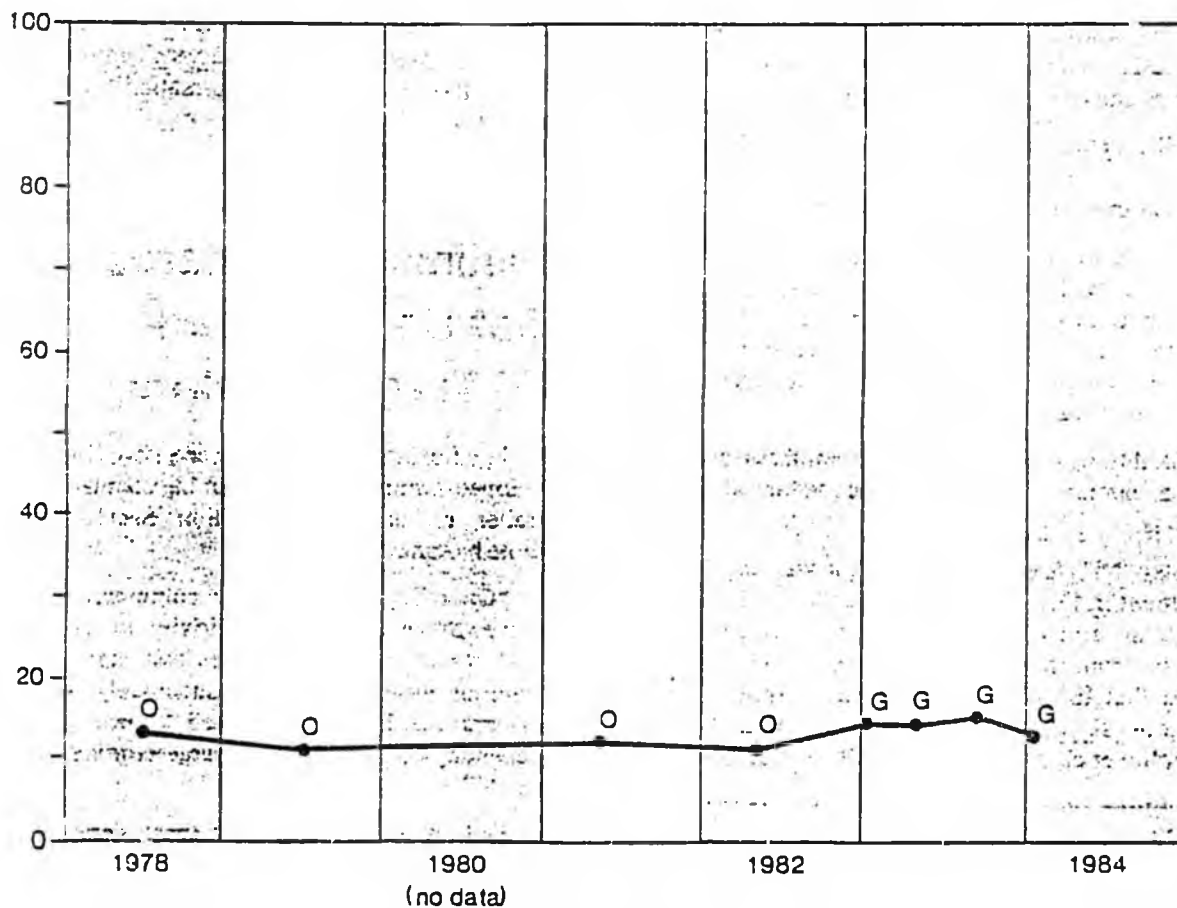
CLOSING

A 1983 report by the American Association for Automotive Medicine stated:

The preponderance of evidence shows that the currently available safety belt, when used, is the single most effective measure to protect against in-vehicle serious and fatal occupant injury. Mandatory safety belt use is the most important public health measure that can be adopted, implemented and evaluated immediately.

No Increase Seen in Seat Belt Use

The latest results from government surveys between December 1983 and February 1984 show that, if anything, belt use has dropped slightly to 13 percent, down from 14 and 15 percent in 1983. This was despite the federal government's \$27 million campaign and private sector efforts to increase seat belt use. (The 1983 increase coincided with a change in contractor from the Opinion Research Corp. to Goodell-Grivas and new observation methods.) The National Highway Traffic Safety Administration has told Congress that it hopes to raise belt use to at least 25 percent by the end of 1986.



Percent of Drivers Wearing Seat Belts
NHTSA National Surveys
From 1978 — 1984



Growing Number Of Americans Concerned About Auto Safety

By George Gallup

PRINCETON, N.J. — The enormous attention recently given drunken driving may have caused many Americans to become concerned about the hazards of driving and more attentive to safety measures:

1. More people today are buckling up, with 25% today, compared to 17% two years ago, saying they used a seat belt the last time they got into a car.

2. A growing number of Americans favor a law that would fine non-seat belt users, with 30% in the latest survey in favor of hitting offenders with a \$50 fine, a law now in effect in New York State.

3. By a 2-to-1 ratio, Americans favor a law that would require all new cars to be equipped with air bags. Also support slightly outweighs opposition 50% to 44%, on a law that would require all new cars to have automatic seat belts.

4. The growing concern of Americans about auto safety is reflected in the fact that 79% favor a national law that would raise the legal drinking age to 21 in all states. Backers claim the law would significantly reduce drunk driving.

5. Gallup surveys over the last decade have shown that majorities of 70% or more consistently have favored keeping the present 55-mile-per-hour national speed limit.

Here is the question on seat belt usage:

Thinking about the last time you got into a car, did you use a seat belt, or not?

Here is the trend, showing a steady decline from 1973 until this year's upturn:

	Seat Belt Use (Percent using)
May 18-21.....	25%
1982.....	17
1977.....	22
1973.....	28

A comparison of the latest and 1982 findings shows the recent increase in seat belt use to have been "across the board," that is, about equally by age, sex, and education.

Use in the West, however, has shot up from 24% two years ago to 35% today.

This question was also asked:

Would you favor or oppose a law that would fine drivers and front seat passengers \$50 if they did not wear seat belts when riding in a car?

Opposition prevails, by 65% to 30%, but support is 11 points higher today than in 1982 when a similar question was asked.

The percentage backing the proposed law is higher among women (33%) than men (26%) and among the college-educated (35%) than those with less formal education (26%).

Air Bags Favored By 2-To-1

Air bags are favored by a 2-to-1 margin, 60% to 31%, with support highest among Easterners (71%) and persons 18 to 29 years old (75%).

The question and national findings:

Would you favor or oppose a law that would require all new cars to be equipped with air bags that would inflate to protect the occupants of the front seats on impact in an accident?

Air Bag Requirement

Favor.....	60%
Oppose.....	31
No opinion.....	9
	<hr/> 100%

Here is the question on automatic seat belts and the national results:

Would you favor or oppose a law that would require all new cars to be equipped with seat belts that, without any action on the part of the driver, would lock automatically in place when the doors are closed?

Automatic Seat Belts

Favor	50%
Oppose	44
No opinion	6
	<hr/>
	100%

The question about fining non-users of seat belts was asked in an in-person survey of 1,256 adults, 18 and older, interviewed June 29-July 1, in scientifically selected localities across the nation. The other questions are based on 1,516 in-person interviews conducted during the period May 18-21.

For results based on the smaller sample, one can say with 95% confidence that the error attributable to sampling and other random effects could be 4 percentage points in either direction. For the other findings, the sampling error could be plus or minus 3 points.

Insurance
institute
for
highway
safety

the highway loss reduction

Status Report

Vol. 19, No. 9

May 26, 1984

Dole Issues Another Notice Seeking Data On Automatic Restraints

Transportation Secretary Elizabeth Dole has issued a new notice of proposed rule making on the issue of whether or not new cars should be equipped with automatic seat belts or air bags.

Dole said she still intends to issue a final rule in July, but Neil Eisner, assistant general counsel for regulation and enforcement, said the department's July 11 goal may be unattainable. (See *Status Report*, Vol. 19, No. 8, May 12, 1984.) In any event, the department must announce some decision soon — even another delay — because the automatic restraint provisions of Federal Motor Vehicle Safety Standard (FMVSS) 208 have been postponed only until September 1. (See *Status Report*, Vol. 18, No. 13, Sept. 20, 1983.)

General Robert F. McDermott, chairman of the National Association of Independent Insurers and head of United Services Automobile Association, called the supplemental notice a "stall."

"By opening up the record for 30 more days for additional 'comments,' DOT seems almost certain to be guaranteeing another delay from its previous 'delay date' " of July 11, McDermott said. "Moreover, the new alternatives suggested by DOT further indicate a desire to stall implementation, if not eliminate completely the possibility of their use in saving lives," he added.

In the supplemental notice, published in the May 14 issue of the *Federal Register*, Dole said that despite the 6,000 comments received in response to the department's October notice, "there remains significant uncertainty concerning the very issues the Supreme Court directed the agency to assess and explain further."

She complained about the "paucity of hard data" on the question of public acceptability and usage of au-

tomatic seat belts, and the "suitability of air bags as a mandatory crash protection system."

The notice also asked for comments on four new alternatives to reinstating the automatic restraint rule. They are:

- Adoption of a "mandatory demonstration" program modeled on a Ford Motor Co. proposal to require automakers to produce air bags or automatic seat belts for 5 percent of their annual production over a four-year period. (See *Status Report*, Vol. 18, No. 18, Dec. 19, 1983.)

(Cont'd on page 2)

Motor Vehicle Crashes Are a Major Cause Of Emergency Room Visits

A comprehensive study providing population based injury statistics by cause, age, and sex shows that injuries — particularly those caused by motor vehicle crashes — are a major cause of emergency room visits, hospital admissions, and death.

The study is based on more than 8,000 emergency room visits to 41 of 42 acute care hospitals in five northeast Ohio counties in 1977; it follows another conducted by the Case Western Reserve University with support from the Insurance Institute for Highway Safety. (See *Status Report*, Vol. 18, No. 11, July 27, 1983.)

Overall, the annual rate of emergency room visits for injuries of all kinds was 194 per 1,000 residents, the researchers reported. For both sexes, total injury rates were highest in the 15 to 24 age group. The main causes of injury for this age group were motor vehicle crashes, cuts, falls, over exertion, and assault. Injuries caused by falls were highest among the very young and the very old.

Up to age 55, injury rates for males exceeded those for females.

(Cont'd on page 4)

Dole Issues Another Notice Seeking Data on Automatic Restraints (Cont'd from page 1)

- A requirement that small cars be equipped with air bags on the driver side only.
- An automatic restraint requirement for all cars manufactured after a certain date; however, such a requirement would be waived for vehicles sold to residents of a state that had enacted a mandatory seat belt use law.
- An automatic restraint requirement for all cars manufactured after a set date unless three-fourths of the states have enacted mandatory belt use laws prior to that date.

Some officials of the National Highway Traffic Safety Administration (NHTSA) said they were embarrassed by the latest proposed alternatives. Some said Dole's proposals to tie automatic restraints to state passage of mandatory belt use laws were unworkable, while others noted that state action cannot be a substitute for the agency's legislative mandate to regulate auto safety.

Although NHTSA has provided analytical data to the decision makers, staffers say its top-ranking officials have been excluded from the latest rule making activity. According to these sources, the matter has been handled almost exclusively by Dole's general counsel, Jim Burnley and his staff. Said one official, who noted that many NHTSA officials have been intimately involved with FMVSS 208 over its 15-year-history, "Perhaps they didn't ask us because they knew what our recommendation would be."

Dole said the main issues upon which the department still has outstanding questions are the following:

Public acceptability — Noting that State Farm Mutual Automobile Insurance Co. had submitted a legal rationale for incorporating consideration of the "public acceptability" of an automatic restraint rule (see *Status Report*, Vol. 19, No. 8, May 12, 1984), Dole asked for public comment on State Farm's view that the government need only consider whether the public will tolerate and use the systems, not whether they are popular.

Benefits — Dole also criticized insurance companies, saying that they have been "generally reluctant to commit to any specific premium reduction because, they stress, premiums are based on actual loss experience. Therefore, we cannot be certain that consumers would receive any reductions."

Dole asked insurers to provide information on the entire amount of insurance savings — not just reduc-

Quoted Without Comment

Impact protection benefits for air bags do not depend on usage since the occupant does not have to do anything. However, for maximum protection, a lap belt should also be used....As to whether air bags will deploy when they should, the department believes that air-bag technology is reliable and that air bags function properly (they will not activate inadvertently and they will activate when they should) in virtually all instances. The automobile manufacturers agree.

— Excerpted from the Department of Transportation's Docket No. 74-14, Supplemental Notice 35, on occupant crash protection.

tions in medical coverages but liability coverages as well — and whether all of the insurance savings accrued from a universal automatic restraint rule would be passed on to consumers. Many insurers already offer a 30 percent discount on first party medical premiums for owners of cars equipped with air bags and slightly lower discounts for automatic belts.

Dole also asked why insurers fail to provide incentives for use of manual belt systems. (See accompanying story on Nationwide's incentive program, Page 3.)

A 1980 report to Congress by the National Academy of Sciences concluded that reductions in insurance premiums for belt use or increases in benefits are "easy to rationalize and difficult to apply." Because a 10 or 20 percent reduction in first party medical coverages would be a relatively small dollar amount, the Academy said it would appear that such incentives "provide little incentive to change behavior."

In addition, offering increased medical benefit payments to crash victims also would seem to offer little incentive to drivers, the Academy said, because "policyholders may perceive that their chances of being involved in an injury producing crash are very small," and they may perceive that such a benefit "is more apparent than real" because most injuries to belted occupants are of a minor nature. (See *Status Report*, Vol. 15, No. 7, May 6, 1980.)

Test Procedures — As a result of repeatability crash tests conducted as part of NHTSA's new car assessment program, the agency has revised its dummy positioning test procedures to lower the variability of crash test results. Dole said it would adopt those test procedures for FMVSS 208.

Dole also said the agency proposes to eliminate a 30 degree oblique test requirement now required under FMVSS 208 crash test procedures, in response to a

Ford Motor Co. request. Such a revision would have a minimal impact on safety, while saving manufacturers money and lead time, Dole said.

She also asked for comments on whether a different head injury criterion value would provide adequate protection for occupants who do not experience head contact with the vehicle interior.

Effectiveness — Since the department issued its first rule making notice, estimates of the effectiveness of automatic seat belts, manual belts, and air bags have been revised by a special task force. (See *Status Report*, Vol. 18, No. 16, Nov. 7, 1983.)

Dole asked for comments on the task force's new evaluation and also said she is seeking additional data concerning the likely usage rates for automatic seat belts.

Comments on the new proposals should be filed by June 13 although late comments will be accepted and, to the extent possible, considered by DOT. All comments must not exceed 15 pages in length, although appendices may be attached. They should be sent to Docket Section, Rm. 5109, 400 Seventh St., SW, Washington, D.C. 20590.

Study Shows Insurance Incentive Does Not Increase Seat-Belt Use

A new study to assess the effects of increased benefits to Nationwide policyholders who are injured or killed in crashes while wearing their seat belts shows the longstanding incentives have had no effect on belt use.

The independent study, conducted by Yale researcher Leon Robertson, was submitted to Transportation Secretary Elizabeth Dole, who has — as part of her latest rule-making notice on Federal Motor Vehicle Safety Standard (FMVSS) 208 — questioned insurers about providing economic incentives for belt use. (See , Page 1.)

In his letter to Dole, Robertson noted General Motors' recently publicized \$10,000 death benefit for drivers of new GM cars who die while wearing a seat belt in a crash. "I am confident," said Robertson, "in view of the results of the Nationwide benefit, that future research will find the GM offer has no effect on belt use."

Robertson noted that since 1963, Nationwide Insurance Co. has offered a 50 percent increase in compen-

sation to clients who are injured or killed while wearing their seat belts. In early 1983, Nationwide announced it would double its compensation for injuries to belted clients, and would pay out an additional \$10,000 death benefit to anyone insured by the company who died in a crash while wearing a belt.

Nationwide Mailing to Policyholders

Nationwide conducted mailings to policyholders throughout the country; and in Connecticut, where Robertson conducted the study, advertisements were placed in local media. In addition, Nationwide sent notices about the increased benefits to policyholders with their bills.

Shortly thereafter, a January 1984 survey at sites in New Haven and the Hartford area was conducted. Drivers at the sites were observed for belt use and their licenses were traced for declaration of insurer.

Belt use and insurance data were available for 1,049 drivers. Belt use among Nationwide's drivers was 9 percent compared with 13 percent for those insured by other companies, a figure within the range of fluctuation expected in a sample of that size, Robertson reported. Thus, belt use among the Nationwide policyholders cannot be considered significantly different.

"It is doubtful that insurance incentives have an effect on belt use," he reported. "Despite the advertising and notices of Nationwide's increased incentive, belt use among drivers insured by the company is no greater than that of drivers insured by other companies."

'Most Likely Effect Is No Effect'

He noted that data on belt use prior to the increased incentives was not available, but concluded, "it is unlikely that belt use by drivers insured by Nationwide was less prior to the announced increment. The most likely effect is no effect."

In his letter to Dole, Robertson said, "As one who has followed the proceedings regarding FMVSS 208 since 1971, and has done more belt use studies than anyone else in the world, I continue to be amazed that there are those who believe that substantial and sustained increases in belt use can be obtained sufficient to forego the need for improved automatic restraint protection in cars."

He urged Dole to reinstate the rescinded rule "without further delay."

Belt Use in Britain

Britain's experience with its new belt use law has brought about an "impressive" change in belt use habits and important reductions in fatalities. However, the reduction has fallen "far short of expectations," the Insurance Institute for Highway Safety has reported.

In the first 11 months since the United Kingdom's belt use law has been in effect, seat belt use has climbed from less than 40 percent to 95 percent, the Parliamentary Advisory Council for Transport Safety has reported. Along with it has come a 23 percent lowering in fatalities among front seat occupants of cars and light vans.

That figure falls short of the expected 34 percent reduction in fatalities that — given the observed usage rates — should have followed.

In studies from other countries, researchers have found that belt use laws — even with widespread compliance — often fail to live up to expectations because those most likely to be involved in crashes, for example, the very young and the inebriated, are least likely to wear their belts.

Luxury, Sports Models Have Worst Theft Record

As in previous years, luxury and sports cars have the worst overall theft loss record among 1981 through 1983 models, the Highway Loss Data Institute (HLDI) has reported.

Although luxury and sports models make up 18 percent of the total 1983 model year insurance exposure, HLDI said the cars account for 52 percent of the dollars insurers paid out for theft claims.

The Chevrolet Corvette topped the list of cars with the highest average loss payment per insured vehicle

(Cont'd on page 6)

Institute Urges Dole To End Delays On Automatic Restraints

The Department of Transportation's own work reports the benefits of air bags and seat belts, yet the agency still delays on making a ruling that could save tens of thousands of lives, the Insurance Institute for Highway Safety has told Transportation Secretary Elizabeth Dole.

In comments on DOT's latest proposals offered as possible alternatives to reinstatement of a rule requiring automakers to install automatic restraints in new cars, William Haddon, Jr., M.D., president of the Institute, said Dole's mandate "is to ensure the best possible occupant restraints for the greatest number of people in motor vehicle crashes."

The "logical outcome" of the current rule making effort "would be to mandate air bags for all front seat occupants," Haddon told Dole.

An "acceptable first step" toward reaching that goal, he added, would be to require driver side air bags in all future new cars "if such an option would accelerate this rule making and lead to an early effective date for a full front-seat air bag requirement." Dole had said that one of the four additional alternatives offered in the latest rule making notice would be a requirement for driver side air bags in small cars only. (See *Status Report*, Vol. 19, No. 9, May 28, 1984.)

"Air bags for drivers is a far better option than the present situation of virtually no air bags in cars sold in the United States," Haddon said. A driver side air bag requirement for all cars, not just small cars, would be acceptable as a first step to "accelerate this rule making and lead to an early effective date for a full front-seat air bag requirement," Haddon said.

Another alternative offered by Dole would be to require 5 percent of all new cars to be equipped with either automatic seat belts or air bags over a four-year period.

(Cont'd on page 2)

Institute Urges Dole to End Delays on Automatic Restraints

(Cont'd from page 1)

However, Haddon told Dole the Transportation Department cannot "meet its statutory responsibility by implementing a limited demonstration program involving the sale of a relatively few cars equipped with automatic restraints." Such a program would leave most people unprotected in car crashes, he said, and "because economies of scale would not be achieved, a limited demonstration program would result in unnecessarily expensive price tags on the small number of automatic restraints produced."

Even so, Haddon said, "if a demonstration program could be implemented very quickly, it might serve as a useful *supplement* to this rule making."

The Institute told Dole that the other two alternatives proposed — that of requiring automatic restraints only in cars sold in states that have not adopted mandatory belt use laws or, alternatively, requiring automatic restraints by a certain date only if three-fourths of the states fail to enact such laws — are both unworkable and irresponsible.

"The Department's statutory responsibility is ... to provide the best possible crash protection for the greatest number of motor vehicle occupants," the Institute said. "Such an 'either-or' policy is contrary to the Department's legislative mandate and authority, and it would be largely meaningless because of the frequent movement of motor vehicles among states."

The Institute also commented on other questions raised by Dole. Briefly:

- **Public Acceptability** — IIHS and others have submitted "extensive evidence that car owners and drivers firmly support automatic occupant restraints, especially air bags," the Institute said. An IIHS survey showed that when the public was asked to choose between automatic restraints or mandatory belt use laws, 48 percent chose the automatic restraints, while 21 percent chose the laws.

A General Motors survey showed that 45 percent of those surveyed said the government regulation they would most like to see enforced would be an automatic restraint requirement. Only 16 percent preferred belt use laws. An additional 28 percent said they would opt for belt use laws coupled with a 65 mph speed limit — and it is likely many of those respondents were voting for a higher speed limit, the Institute said.

- **Seat Belt Use Laws** — Mandatory belt use laws in the United States might increase usage by 50 to 70 percent, the Institute said, but only if they were

vigorously enforced. "Enacting such laws quickly, or at all, is improbable in most states." The Institute cited the Canadian experience in which it took almost a decade to enact such laws in seven provinces — in the United States, 50 such laws would have to be passed.

Even where belt laws are in force, experience has shown that reductions in fatalities are not commensurate with the increase in usage. In Britain, where a new law has achieved a 95 percent compliance rate, reductions in deaths and injuries have fallen short of expectations. (See Page 1.)

- **Compliance Test Procedures** — The Institute's research indicates that a suggested lowering of the head injury criteria standard of 1,000 contained in the compliance requirements for FMVSS 208 should not be implemented. (See "Baseball Tests," Page 4.) However, the Institute agreed with DOT's suggestion that a 30 degree oblique frontal test requirement be dropped if its elimination would speed the introduction of air bags.

Dole has said she will issue a decision on FMVSS 208 in July.

Insurers Press Dole To Require Automatic Seat Belts or Air Bags

Major insurers have urged Transportation Secretary Elizabeth Dole to stop "game playing" and implement a federal rule requiring automakers to equip new cars with either automatic seat belts or air bags.

In sharply worded comments to the docket on Federal Motor Vehicle Safety Standard (FMVSS) 208, Nationwide Mutual Insurance Co. said the latest alternative proposals issued by Dole "succumb to the auto manufacturers' stubborn opposition to proven safety technology." (See *Status Report*, Vol. 19, No. 9, May 26, 1984.)

Why DOT Exists

"Instead of watered-down proposals, the agency would best serve the public — which is the reason DOT exists — by ordering automatic safety equipment in all cars," Nationwide said.

In her latest rule making notice, Dole criticized auto insurers for having been "generally reluctant to commit to any specific premium reduction because,

they stress, premiums are based on actual loss experience. Therefore, we cannot be certain that consumers would receive any reductions."

Nationwide called Dole's assertion "both incomprehensible and preposterous ... a diversionary tactic." DOT's own docket shows that 40 to 70 percent of all automobile insurance policies already give discounts of up to 30 percent on cars equipped with some type of automatic restraint systems. Some insurers have not settled on precise reductions for cars equipped with automatic seat belts because their usage rates would not be in the 100 percent range predicted for air bags.

Premiums Would Come Down

Lowell Beck, president of the National Association of Independent Insurers (NAII) said the insurance industry is too competitive to be able to avoid lowering premiums as costs associated with death claims and injuries decline.

Beck said that Dole's assertion that little data had been provided is "grossly misleading" and ignores the record. However, State Farm says that any reductions in premiums must be based on actual experience, well after automatic restraints become mandatory.

All the insurers rejected Dole's suggestion that an automatic restraint rule be tied to whether or not the states enact mandatory belt use laws, calling it illegal and impractical.

'A Constructive Step'

State Farm praised Ford Motor Co. for taking "a constructive step forward" when it proposed a mandatory field test of automatic restraints that would require automakers to equip 5 percent of their production with either automatic belts or air bags. However, such a program would deny most consumers the benefits of automatic restraints for many more years and wind up costing the nation from \$12 to \$14 billion in costs associated with injuries and deaths, the insurer said.

Separately, Ed Herschler, governor of Wyoming, told DOT that opposition to child restraint use legislation in his state's legislature makes him question whether it is possible to enact mandatory belt use laws in rural areas.

Despite "volumes of information on the effectiveness" of child restraint usage provided by proponents of a child restraint use law, Herschler said they were unable to overcome "concerns about enforcement and driving habits in a rural state such as Wyoming. Given this strong opposition," said Herschler, "I can see little or no chance for enactment of a mandatory seat belt law."

Cost Analysis

A new economic analysis of the costs and benefits of automatic restraint systems shows that failure to require them will cost the nation at least \$24 billion over 10 years.

In comments on the Department of Transportation's (DOT) latest round of proposals, Yale University Professor William Nordhaus, former member of the Council of Economic Advisors, said at least half of the cost will be borne by society as a whole.

More Than \$2 Billion a Year

Nordhaus' comments were submitted to the docket on Federal Motor Vehicle Safety Standard (FMVSS) 208, and they follow up several earlier analyses.

Nordhaus said the yearly cost of delay would run from \$2 to \$2.5 billion each year. His \$24 to \$29 billion cost figure is based on a projected 1986 model year fleet of about 10 million units over its anticipated lifetime of 10 years.

The Price in Lives

Nordhaus also found, while utilizing DOT's estimates of the benefits of automatic seat belts and air bags, that every year of delay wastes 4,000 to 8,000 lives, and increases the number of moderate to critical injuries sustained in automobile crashes by 60,000 to 120,000.

"Even using NHTSA's [National Highway Traffic Safety Administration] own data and methodology, automatic crash protection provides net benefits even if automatic belts increased incremental usage by [only] 11 percentage points and even if air bags cost \$650 per car," Nordhaus said. (Actual observed usage rates for automatic belts are much higher.)

Protesting the Passengers

Nordhaus also said that whatever the technology selected by automakers to comply with the automatic restraint provisions of FMVSS 208, his analysis shows that it is more beneficial to require automatic protection for all front seat passengers — not just drivers. DOT had proposed driver side only air bags as a possible alternative. (See *Status Report*, Vol. 18, No. 16, Nov. 7, 1983.)



the highway loss reduction

Status Report

Vol. 19, No. 13

July 28, 1984



Dole plans \$40 million safety campaign.

Dole Sets Deadline For All New Cars to Have Automatic Restraints

Unless two-thirds of the nation's population is covered by state laws requiring seat belt use within the next five years, automobile manufacturers will be required to install either automatic air bags or seat belts in all new cars beginning with the 1990 model year, the federal government has said.

In the meantime, Transportation Secretary Elizabeth Dole has ordered that 10 percent of all 1987 models be equipped with automatic restraints, 25 percent of the 1988 models, and 40 percent of the 1989 models. A special credit will be given to manufacturers who comply by using technology other than automatic seat belts.

Front seat occupants account for almost half of all motor vehicle related deaths, an average of 22,000

people annually. The National Highway Traffic Safety Administration figures that about 300,000 front seat occupants receive moderate to severe injuries in crashes each year. A little over half of all the injuries and fatalities occur in frontal impacts.

Dole said her plan "will save as many lives as possible, as soon as possible. It also looks to the future, encouraging technology that could provide even greater safety in the years ahead."

(Cont'd on page 2)

Rule Could 'Hasten Day' Americans Benefit From Automatic Protection

The Insurance Institute for Highway Safety has praised Transportation Secretary Elizabeth Dole for her decision to require automatic restraint protection in new cars, but it has warned that her decision may create public confusion.

Dole's decision "could substantially hasten the day when millions of Americans can begin to benefit from having automatic crash protection — air bags or other automatic protection technologies — in their cars," said William Haddon, Jr., M.D., president of IIHS. "At the same time," said Haddon, "it is critical that her decision not create further public confusion concerning the best way to protect automobile occupants against serious death and injury in crashes."

Haddon said the Secretary's decision to tie rescission of the rule to state passage of mandatory seat belt use laws "appears to set air bags and other automatic restraints" against mandatory belt use laws. "Yet the fact is," said Haddon, "that the use of manual belts, whether required or voluntary, is a very desirable complement to the availability of air bags, which are the best of the automatic systems yet developed."

Haddon urged that the Secretary use at least part of her estimated \$40 million public education program to

(Cont'd on page 6)

Dole Sets Deadline for All New Cars to Have Automatic Restraints (Cont'd from page 1)

However, Dole said, "the rule for 100 percent compliance is subject to only one condition. If states representing two-thirds of the U.S. population enact mandatory seat belt usage laws by April 1, 1989, the automatic crash protection requirement will be rescinded." Dole said she plans to undertake a \$40 million public relations campaign to encourage passage of such laws.

The rescission would not take place, Dole said, if the state laws become effective after 1989.

Only one state, New York, has adopted a mandatory seat belt use law. (See *Status Report*, Vol. 19, No. 11, June 23, 1984.) There, safety proponents were dismayed at Dole's decision to make it an either/or proposition. At signing ceremonies, Governor Mario Cuomo said, "To the extent that she says it's air bags or two-thirds of the population of the country following us into seat belt use laws, I don't like that at all. I believe that we ought to move ahead apace on air bags."

New York State Sen. Norman Levy, who sponsored the state's belt legislation, said he will soon introduce a bill that will be modeled on the DOT rule and will require newly manufactured automobiles sold in New York to be equipped with air bags.

Credit Offered to Automakers

To encourage air bag and other technological development, Dole said the department would provide auto companies a credit of 1.5 cars for using technology other than automatic seat belts toward their incremental percentage requirements for automatic restraint production.

DOT had considered rescinding the automatic restraint requirement once again, but in its final rule, the agency declared: "We have concluded that the Supreme Court decision in the State Farm case precludes us from rescinding the automatic occupant protection requirements at this time based on the present record in this rulemaking." Unless there is a very great increase in the use of seat belts, DOT said, rescission "cannot be justified."

Safety activist Ralph Nader called the decision "a bloody snare and mischievous delusion" that would actually prevent the introduction of air bags because automakers would hold out for seat belt use laws.

Joan Claybrook, president of Public Citizen and former head of the National Highway Traffic Safety Administration, called the plan "somewhat Byzantine and illegal."

"The problem is," said Claybrook, "that the auto industry will not invest the funds [for air bag development] if there is a five year contingency. They won't put a major effort into designing safer cars."

Instead, she charged, they would put most of their economic resources into lobbying for state passage of belt use laws.

Claybrook said she expects most automakers to install automatic seat belts in order to comply with the percentage requirements of what may amount to a demonstration program.

The order is illegal, said Claybrook, because the department lacks the statutory authority to set automobile standards that depend upon state action.

Ford 'Went to Work Today'

Helen Petrauskas, a Ford Motor Co. official, denied that company would delay air bag development. Ford "went to work today," said Petrauskas on July 11, the day the rule was issued, "to try to meet the 10 percent requirement because we only have 24 months" [in which to meet the deadline]. She said the automaker will offer air bags to auto fleet buyers in the next model year.

Nonetheless, Petrauskas said Ford "strongly endorses...major federal incentives for enactment of state belt use laws."

Chrysler's Lee Iacocca called the DOT rule "costly, complicated, and cumbersome." And the Automobile

New York Drivers to Get Discount on Air Bags

New York has enacted a statute requiring a mandatory discount on automobile insurance for cars equipped with automatic restraints such as air bags or automatic belts.

The law limits the discount to those systems that meet federal safety standards and applies to noncommercial insurance coverages for personal injury protection and medical payments.

James Corcoran, superintendent of insurance for New York, had requested the bill's passage, and will provide a report on the effectiveness of the premium discounts by January 1988. He predicts consumers will save 30 percent on their no fault coverage with annual savings of up to \$66 in some areas of the state.

Importers Association filed an appeal in California.

General Motors said it would "work wholeheartedly for the adoption of belt use laws by the states" and would continue its work on "passive interiors" for unrestrained front seat occupants.

Dole said that if she had simply reinstated Federal Motor Vehicle Safety Standard (FMVSS) 208, "the air bag technology and other technology would be stopped." Her statement "would only have resulted in detachable belts" being used as the compliance mechanism by most auto manufacturers, she asserted.

She also said that state laws would "immediately bring results without additional cost and time." Asked whether she had accepted a White House compromise, Dole denied it, saying, "It [the rule] came back from OMB [Office of Management and Budget] intact and this is Elizabeth Dole's proposal."

Dole said some of the \$40 million to promote state belt use laws will be used to educate the public about automatic seat belts and air bags. Once the public appreciates air bags, she predicted, consumer demand will ensure their availability — with or without a federal requirement.

Under FMVSS 208, which has been modified slightly, auto manufacturers must certify that the cars will automatically provide front seat occupants protection in a 30 mph frontal, and frontal oblique, impact into a solid barrier.

* The government dropped a requirement that middle front seat passengers be automatically protected, in part because the percentage of middle front seat occupants killed in crashes has declined to about 1.8 percent of all front seat deaths in 1982.

Auto manufacturers may meet the standard as they choose — including the use of "passive interiors" now under development by GM. But DOT rejected GM's proposal to amend FMVSS 208 to allow cars equipped with manual belts to pass the rule if they comply with the standard's injury criteria in a 25 mph crash with unbelted dummies. DOT said the proposed change would not provide the equivalent safety benefits of a 30 mph rule.

Nonetheless, DOT said, "nothing in FMVSS 208 precludes compliance through the use of 'passive interiors' being developed by GM. But such compliance must be demonstrated at 30 mph, not 25 mph as GM has suggested."

DOT said it would consider a number of possible changes to the standard in future rulemaking. (See "Secretary Dole Settles," Page 4.)

Appeal Notices Filed Following Dole's Ruling On Automatic Restraints

In a race to the courthouse, State Farm Mutual Automobile Insurance Co. filed an appeal notice to Transportation Secretary Elizabeth Dole's final rule on automatic restraints shortly after it was issued.

The Automobile Importers of America (AIA) has also filed suit in California's Ninth Circuit Court of Appeals.

James Fitzpatrick, of the law firm of Arnold and Porter, said the notice was filed July 11 on behalf of State Farm and the National Association of Independent Insurers (NAII) to keep the case in the U.S. Court of Appeals for the District of Columbia, which has already amassed an enormous record on the subject.

Fitzpatrick found two basic flaws with the rule: First, it will not cover all new car production until 1990, which he sees as an "intolerable" time lag.

Second, Secretary Dole has imposed a condition that would rescind the rule itself if states representing two-thirds of the population enact seat belt use legislation.

"We think that is clearly unlawful," said Fitzpatrick. "This is an impermissible condition." However, Fitzpatrick said the questions to be clarified are narrow. "Broadly, State Farm and NAII have applauded her decision to implement a mandatory rule," said Fitzpatrick, adding that the lawsuit should not cause further delays.

Because the record on automatic restraints is so voluminous, Fitzpatrick said, it would be "fully appropriate" to go back to the same panel [of judges] that had overturned the federal government's rescission of the rule in 1982. (See *Status Report*, Vol. 17, No. 8, June 9, 1982.)

An AIA spokesman said the organization filed suit in California because that is where most of the companies it represents are based. AIA filed on the day of Dole's announcement of the rule, but was told it had filed too early to be responsive to the rule's publication. The organization then filed its appeal the following day, he said. The legal basis for the suit has not yet been agreed upon, he added.

The legal cases will be consolidated in whichever circuit the appeal of the rule was filed first.

Secretary Dole Settles Some Technical Issues, But Others Remain

In her July 11 final rule on the automatic restraint provisions of Federal Motor Vehicle Safety Standard 208, Transportation Secretary Elizabeth Dole settled several technical issues and indicated more to be resolved in future rulemaking.

They include:

- Elimination of a requirement for automatic restraints for middle passengers seated on automobile bench seats. The center seat requirement was dropped because less than 2 percent of all front seat fatalities occur to persons in that location, and because of limitations associated with automatic seat belt technology that could have led manufacturers to stop producing bench seats.
- Dismissal of manufacturer complaints that tests required under FMVSS 208 produce excessive variability in their results. The manufacturers based their claims on twelve 35 mph crash tests of Chevrolet Citations under the National Highway Traffic Safety Administration's (NHTSA) New Car Assessment Program.

The tests involved 36 percent more energy being dissipated in the crashes than will be the case under the 30 mph crash test procedures set under FMVSS 208 for automatic crash protection, DOT said. It added that that means that the design limits of the cars' various structural components had been exceeded.

Furthermore, the Citation is not representative of all cars and variations in the manufacturing of the Citation probably resulted in most of the vehicle-to-vehicle differences seen in the 35 mph test results, DOT said.

For now, DOT will continue to require manufacturers to utilize the Hybrid II test dummy. But NHTSA will undertake new rulemaking to decide whether or not to permit a third generation dummy developed by General Motors to be used as an alternative test device. (See *Status Report*, Vol. 19, No. 11, June 23, 1984.)

DOT will continue to require that the head injury criterion (HIC) measurement of 1,000, originally set forth in standard 208, not be exceeded. Although the adoption of specific neck injury criteria may be covered in the rulemaking concerning the new dummy, DOT has said it has not decided whether it will grant manufacturer proposals to begin rulemaking on raising the allowable HIC measurement to 1,500 for actual dummy head strikes during the crash test sequence.

A proposal to drop the standard's current 30 degree oblique crash test requirement was not granted by DOT and will be the subject of further rulemaking, the agency said.

DOT rejected a manufacturer request to subject automatic seat belts to static rather than dynamic (actual) crash tests. "The Department agrees with Allstate that dynamic testing ... is superior to static testing...." the agency said.

A Ford proposal to exempt convertibles from the crash test requirements of FMVSS 208 will also be decided later.

Final Rule Draws Mixed Reaction From Legislators and Insurers

Transportation Secretary Elizabeth Dole's final rule on automatic restraints has brought mixed reactions from auto insurers and congressional leaders.

Rep. Tim Wirth, Colorado Democrat and chairman of the House Subcommittee on Telecommunications, Consumer Protection, and Finance, said he is pleased that the "administration has finally conceded that a federal automatic crash protection standard is imperative."

Nonetheless, he added, "I am deeply concerned that this decision allows [the] requirements for air bags or automatic belts to be waived if mandatory seat belt use laws are implemented by some states." (See "Dole Sets Deadline," Page 1.) Wirth said belt use and automatic restraints such as air bags are not mutually exclusive and that "critical, lifesaving technology should not be withheld from the American public just because some states may require belt use laws."

Sen. Daniel Moynihan, Democrat of New York, charged the Dole decision unduly delays implementation of the rule.

"For three years, this Administration tried to delay and avoid implementation of the passive restraint rule sought by the Carter Administration," said Moynihan. "Having come to its senses on the subject, they now want to wait five more years for full implementation. Where is the logic? Lives are at stake."

Moynihan has introduced a bill, S. 2828, which would amend the National Traffic and Motor Vehicle Safety Act of 1966 to require manufacturers to install air bags on all cars on or after Sept. 1, 1986.

Sen. Jack Danforth, Missouri Republican and chairman of the Senate Surface Transportation Subcommittee, was more sanguine. "I expected a whimper," said Danforth. "This rule is a bang. Secretary Dole has singlehandedly injected lifesaving vitality into the Department of Transportation's commitment to auto safety."

Gen. Robert McDermott, chairman of the National Association of Independent Insurers and chief officer of the United Services Automobile Association, said he is pleased that Dole has recognized the "lifesaving value of the air bag."

He added: "We would have preferred that all new cars be equipped with air bags as soon as possible. And we are disappointed that the DOT order makes it possible that the use of seat belts could cancel the installation of passive restraints."

Nationwide Insurance Chairman John E. Fisher called the decision "deplorable" because it is weighted down with "bureaucratic 'ifs' and unnecessary delay."

Fisher said that while Nationwide has long advocated belt use laws, they represent only an "interim solution" because many people — including those most at risk — will not use belts.

American Insurance Association head T. Lawrence Jones said he is encouraged by Dole's decision but also disappointed. Belt use laws "are no substitute for equipping cars with automatic restraint devices," he said.

The National Safety Council also commended Dole for her decision. T.C. Gilchrest, president of the council, said, "While the decision is not everything we asked for, it does represent a major step in the right direction, which could result in the savings of thousands of lives a year when fully implemented."

Quoted Without Comment

"[Secretary] Dole called their [GM's] hand and said, 'If you can do it, prove it.' The whole point of air bags is to provide the ultimate friendly interior."

— William Haddon, Jr., in a *Wall Street Journal* article on GM's attempt to meet new federal standards without air bags or automatic restraints

Mercedes-Benz Taps Sizable Market With Air Bag Equipped Cars

Customers are snapping up new Mercedes-Benz models equipped with driver side air bags, a company official has reported.

"You cannot get a car [with air bags]," Gebhard Hespeler, manager of safety engineering for Mercedes-Benz of North America, told *Status Report*. "They are all sold out."

For four months, Mercedes-Benz has intensively marketed its "supplemental restraint system," sold as an \$880 option in addition to seat belts in S class and "Baby Benz" 190 models.

The company, Hespeler said, has already sold about 2,000 of the systems, which include a driver side air bag and special passenger side seat belt tensioner. It is activated only in a severe frontal impact. (See *Status Report*, Vol. 19, No. 5, March 24, 1984.) The company hopes to sell 5,000 air bag equipped cars during the 1984 model year, but the program received a temporary production setback as a result of a six-week strike in Germany.

In April, the company began advertising its air bag option on prime time television and in national magazines, such as *Time*, *Newsweek*, and *Fortune*. Mercedes-Benz has also developed a seminar package for dealership sales personnel and supplemental buyer information tape and video packages.

Since 1980, Mercedes-Benz has sold 33,000 of the driver side air bags in Europe, Hespeler said. There have been 20 deployments in Europe and the United States, and in each case, the systems worked well. Nineteen of the deployments involved the European system, which differs slightly from the U.S. version. Consumer reaction to the deployments has been very positive, he said.

"It's been: 'Gee, it's great. It worked,'" said Hespeler. He cited a European crash in which a car driven by a belted motorist and traveling at about 120 kilometers per hour left the road and "bottomed out" several times. The car hit a boulder and the air bag deployed, protecting the driver from serious injury. Despite the bottoming out, Hespeler noted, the air bag did not deploy until the frontal impact occurred.

Customer cars have logged 880 million kilometers and not one air bag has deployed inadvertently, Hespeler said.

Mercedes-Benz Taps Sizable Market With Air Bag Equipped Cars (Cont'd from page 5)

"We feel very confident it won't happen," he said.

Hespeler said he expects company engineers to prepare a scientific paper sometime next year on the supplemental restraint system's performance.

During the 1985 model year, the supplemental restraint system will also be available on the company's 107 SL line.

From *Newsday*, June 27, 1984

NY's Safety Belt Law Won't Eliminate Need For Air Bag Devices

By William Haddon, Jr.

The New York State Legislature recently became the nation's first to pass a bill requiring automobile drivers and front-seat passengers to wear safety belts. Children under 10 will be required to wear safety belts even in the back seat. (The present law's requirement that children under 4 be in safety seats continues.)

...[T]he law will go into effect Dec. 1, with a one-month warning period before \$50 fines begin to be imposed on Jan. 1. (The driver pays the fine for an unbuckled passenger under 16.) But without vigorous enforcement, the law will be little more than an empty gesture.

Research on mandatory belt-use laws in Canada, the United Kingdom, and New York State itself—which has a belt-wearing regulation for learners-permit holders—indicates that strong sustained enforcement of such rules by the police is absolutely necessary for the rules to be effective in reducing highway crash fatalities and injuries.

Seven Canadian provinces have belt-use laws in effect. Yet even with vigorous enforcement efforts, only about 60 percent of motorists in those provinces are belted—in the daytime, under ideal observation conditions. At night, the figure is much lower. An 11 percent reduction in deaths and a 6 percent drop in injuries in the belt-law provinces has been achieved.

The United Kingdom recently put in place a national belt law that is very successful in inducing high use rates. Yet those who are most likely to be involved in motor vehicle crashes—teenagers, alcohol impaired drivers, and nighttime drivers—are least likely to be wearing belts.

In early 1983, New York imposed a rule that holders of learners permits—mostly teenagers—must wear belts. Non-wearers face fines and possible loss of driving privileges. The Insurance Institute for Highway Safety observed belt use by such permit holders at three widely separated locations in the

Reagan Signs '21' Bill

On July 17, President Ronald Reagan signed into law a measure to cut states' highway funds if they fail to enact laws setting the minimum age for the purchase of alcohol at 21.

state. At two of the locations belt use by permit holders somewhat exceeded use by other drivers; 32 percent vs. 12 percent at White Plains, and 39 percent vs. 7 percent at Albany. At Bay Shore there was no difference: only 6 percent of permit holders and 6 percent of regular drivers were wearing belts.

Without the expectation that not using the belt can mean a ticket and a fine, the majority of motorists simply will ignore a belt law.

Use laws must be understood in the broader context of reducing crash deaths and injuries. Unlike belts, which require motorists to constantly "buckle up," the basic systems for preventing or moderating crash injuries work *automatically*. Examples include laminated windshields that cushion heads in forward crashes, steering columns that absorb energy if drivers are thrown against them, and fuel tanks that resist rupture. The best automatic system of all, the inflatable crash cushion known as the air bag, is now available on only a few cars.

Manual safety belts supplement these basic automatic features. They should be worn by every motorist, and their use should be required by law.

But until adequate automatic protection such as air bags is in place on all cars, no motorist, whether belt wearer or not will have the best possible chance of escaping serious injury in a car crash.

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Rule Could 'Hasten Day' Americans Benefit From Automatic Protections (Cont'd from page 1)

address public misunderstandings about air bags and automatic seat belts.

He noted that just recently, General Motors Vice President Betsy Ancker-Johnson, in a television interview, had characterized air bags as being of no help in frontal crashes where a car strikes not one, but two or more objects.

Haddon noted that GM's own crash tests and real world crash experience with air bag equipped cars refute Ancker-Johnson's contention. In a letter submitted along with a videotaped GM crash test to Dole, Haddon noted several crashes in which air bag equipped cars experienced multiple impacts. The air bags installed in the 1973-1975 model GM cars cushioned the occupants "very effectively" throughout Haddon said.

Gallup Finds Americans Favor Air Bag Law By a Margin of 2 to 1

By a margin of two to one, Americans favor a law that would require all new cars to be equipped with air bags, according to a recent Gallup Poll.

The poll results, which George Gallup said reflected growing concern across the nation about auto safety, also showed that Americans would support—50 percent to 44 percent—a law requiring all new cars to have automatic seat belts. Furthermore, the public now favors a national law that would raise the legal drinking age to 21 in all states, Gallup stated.

Although 65 percent of those surveyed opposed a \$50 fine for drivers and front seat passengers who failed to wear seat belts, Gallup noted that 30 percent did support such a law, which was an increase of 11 percent favorably responding to that question in two years. More women (33 percent) than men (26 percent) backed the proposal as did those with college educations (35 percent) compared to those with less formal education (26 percent).

Of the 1,516 adults interviewed, 25 percent said they had worn a seat belt the last time they rode in a car. However, such self-reported belt use has always been much higher than actual figures.

In the poll, 60 percent favored air bags in all new cars, 31 percent were opposed, and 9 percent had no opinion. Of those 18 to 29 years old, 75 percent were in favor of air bags.

FHWA Seeks Comments On Skid Resistance

The Federal Highway Administration (FHWA) is seeking comments on whether or not the agency should improve its skid crash reduction program and upgrade its criteria for skid resistant pavement design.

In a notice of proposed rulemaking, FHWA said it is particularly interested in comments on recommendations offered by the National Transportation Safety Board (NTSB) in 1980. At that time, the NTSB, along with the Insurance Institute for Highway Safety, criticized FHWA for proposing a rule calling for adequate skid resistance "without defining what it meant." (See *Status Report*, Vol. 15, No. 10, June 25, 1980.)

NTSB said that for a "rational" skid crash reduction program to be instituted by FHWA, the agency would

have to set minimum criteria for skid resistance. The safety board also recommended that FHWA promote full lane width surface treatments, such as grooving pavement on curves, in order to prevent skidding; improvement in skid testing equipment and procedures; and evaluation of new antiskid surface treatments for highway pavement.

Instead of responding to the safety board's 1980 recommendations, FHWA shut down the rulemaking, saying it was not needed.

FHWA's own research conducted in 1978 had shown that on repaving projects conducted with federal funds, about half resulted in pavements with lowered resistance to skidding crashes.

The NTSB warns that skid crashes are dangerous. According to its 1980 study, although precipitation occurs only about 3 to 3.5 percent of the time in the United States, about 13.5 percent of all fatal crashes—involving an estimated 5,400 to 7,000 deaths annually—occur on wet pavement.

Cost of Crash Parts More Than Triples Price of '84 Model

The cost of reconstructing a demolished 1984 model car using manufacturer parts is over three and a half times new car cost, the Alliance of American Insurers (AIA) has reported.

Each year, AIA does a study to ascertain the expense of reconstructing a totally demolished car. This year, the Alliance reviewed a 1984 four-door Plymouth Reliant equipped with an AM/FM radio, automatic transmission, and other standard options.

AIA found the unibody car's replacement parts and a paint job would cost \$32,548, plus labor.

"Only a fraction of a new car's parts need to be damaged before repair costs become greater than the value of the car," AIA said. "At that point — not when an automobile is impossible to repair — is the car considered by insurance companies to be a total loss."

AIA noted that the cost of replacement parts is the principal reason for the high cost of crash repairs and auto insurance rates.

"Car owners can help reduce auto crash repair costs, as well as their insurance premiums, by purchasing automobiles with better than average repair records and with 5 mph bumper protection," the AIA said.

the highway loss reduction

Status Report

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A Special Issue

SEAT BELT USE LAWS: WHAT TO EXPECT

Seat belts substantially reduce the likelihood of death or injury to motor vehicle occupants involved in crashes — if the belts are used. Since belts first became standard equipment, the problem has been that they are used by fewer than 2 of every 10 vehicle occupants in the United States.

About 30 countries throughout the world have mandated seat belt use in an effort to reduce deaths and injuries in motor vehicle crashes. New York recently became the first state in this country to pass such a law; it will take effect in 1985. In addition, the U.S. Department of Transportation has ruled that all new 1990 model cars must have automatic restraints such as air bags or automatic seat belts unless state legislatures covering two-thirds of the U.S. population enact and enforce mandatory seat belt use laws by 1989. (Covering two-thirds of the population will require a minimum of 16 state legislatures to pass seat belt laws; see story on page 10.)

In the wake of DOT's ruling, questions about the effectiveness of mandatory seat belt use laws are becoming increasingly relevant to public policy decisions in every state: Do such laws result in more people using their belts? Do they result in fewer people dying and being injured in motor vehicles? This special issue of *Status Report* reviews evidence about the effects of mandatory seat belt laws on belt use rates and on occupant deaths and injuries in Canada and other countries.

Canadian Laws Increase Belt Use; Mixed Results In Reducing Deaths

Seat belt use increased and motor vehicle occupant deaths and injuries declined in four Canadian provinces after mandatory seat belt use laws were enacted, but the reductions in deaths and injuries were not as much as anticipated, Canadian researchers have reported. They speculated that the laws "succeeded in getting mainly the law-abiding, low risk-taking drivers to wear seat belts," while others continue to drive without restraints.

Researchers Brian Jonah and John Lawson of Transport Canada (a Canadian government agency) studied the effects of seat belt laws on occupant deaths and injuries in British Columbia, Ontario, Quebec, and Saskatchewan because, the researchers said, "the effectiveness of seat belt legislation has been cast into doubt." These provinces were chosen for the study be-

cause their seat belt laws had been in effect long enough for the researchers to analyze both belt use data and occupant injury and death data since passage of the laws.

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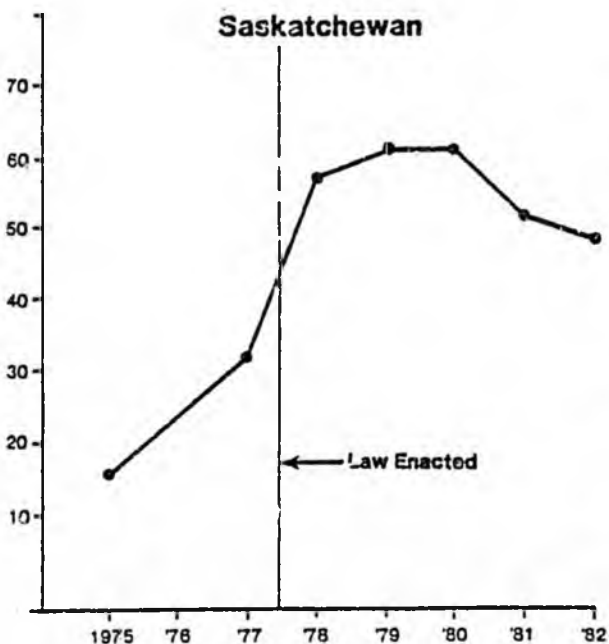
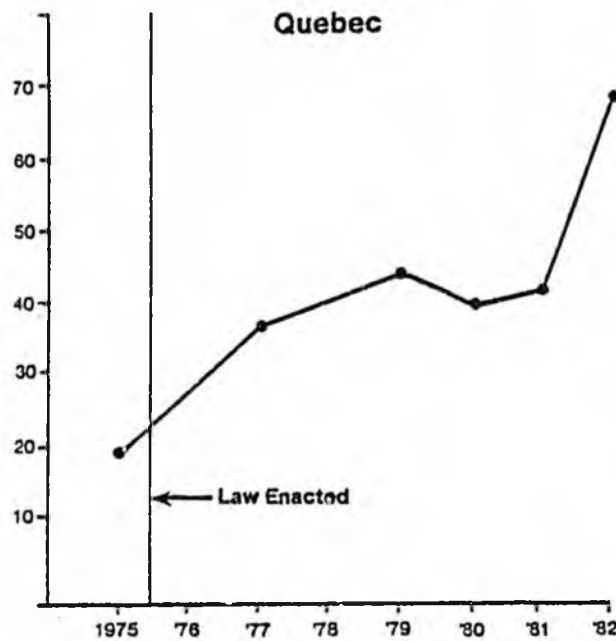
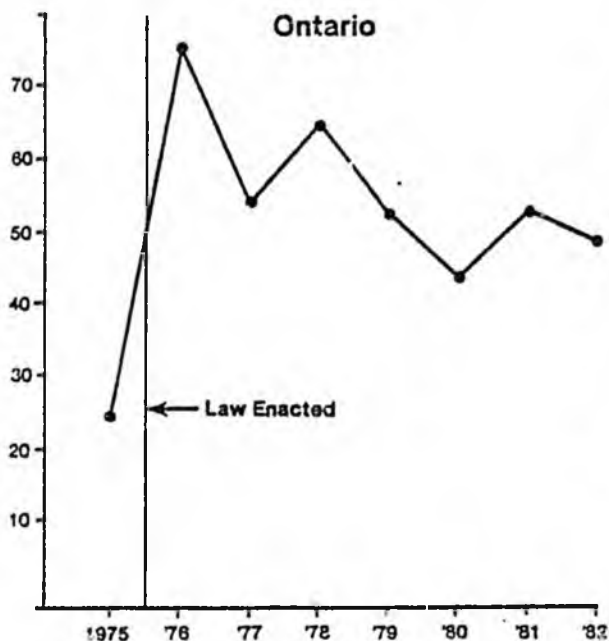
Enforcement Key to Seat Belt Law Effectiveness

Sustained police enforcement of seat belt laws — not just enactment of such laws — is the key to increasing belt use, Canadian researchers have reported. Without high levels of enforcement, use rates of about 50 percent prevail in most Canadian provinces. With intense enforcement, rates of 80 percent are achievable.

Brian Jonah and Brian Grant of Transport Canada evaluated the effects of seat belt law enforcement programs conducted in Ottawa during 1979 and 1981-82.

(Cont'd on page 3)

Figure 1
Belt Use in Four Canadian Provinces
Before and After Passage of Seat Belt Laws



Canadian Laws Increase Belt Use; Mixed Results In Reducing Deaths

(Cont'd from page 1)

Seat belt legislation in the four provinces resulted in an overall doubling of belt use rates during the years after the laws were enacted. From initial use rates of 20 to 30 percent before the laws, rates peaked as high as 77 percent in Ontario immediately after the law took effect (figure 1).

The observed driver seat belt use rate increased in British Columbia and Saskatchewan to 60 percent after seat belt laws went into effect; and to 68 percent in Quebec after the seat belt law had been in effect for six years.

Belt use rates in the four provinces studied by Jonah and Lawson were found to be highly dependent on enforcement levels. In Ontario, "increased enforcement of the legislation in 1978 [resulted in] a 65 percent use rate," which was up from 54 percent the previous year, the researchers said. They added that fines "may have contributed to a substantial increase" in driver belt use to 68 percent in Quebec during 1982, compared to about 40 percent during previous years before the fines were imposed.

Belt use in provinces without seat belt laws remained virtually unchanged at 10 to 15 percent — about the same rates as have been observed in the United States, where belt use is voluntary in virtually all jurisdictions.

Fatality, Injury Reductions Measured

Occupant fatality rates per 100 million vehicle kilometers traveled were found by Jonah and Lawson to be lower in British Columbia and Ontario following the enactment of seat belt laws, compared to rates observed before the laws. In Quebec and Saskatchewan, no significant changes were found in fatality rates after seat belt use legislation.

Ontario experienced a reduction in the motor vehicle occupant injury rate, as well as the fatality rate, during the post-law period. Injury rates did not change in Quebec or British Columbia, but there was a reduction in Saskatchewan's injury rate.

These findings were not solely the result of seat belt laws, however, because provinces without such laws also experienced reductions in both fatality and injury rates during the same period. "To the extent that the factors operating in unlegislated provinces to reduce the [fatality and injury] rates were also operating in the legislated provinces, the reductions in the legislated

jurisdictions may not have been due to the introduction of seat belt laws," the researchers said. Lower speed limits, shifting driving patterns, and other factors could have affected the rates.

To remove the effects of factors other than the laws, Jonah and Lawson computed relative fatality and injury rate changes using nonoccupant fatalities as a comparison. The overall relative fatality reduction was 11 percent in the four provinces studied. There was a 14 percent relative reduction in fatalities in Ontario, 4 percent in Quebec. Reductions in British Columbia and Saskatchewan were much larger — 24 percent and 22 percent, respectively — but these figures were probably caused by dramatic increases in nonoccupant fatalities, which were the basis for comparison. In particular, motorcycle registrations and fatalities increased in both provinces.

Other Evaluations Yield Similar Findings

In an evaluation of Canadian seat belt laws conducted prior to the study by Jonah and Lawson, researchers found that "... the loss reductions associated with efforts to increase seat belt wearing rates in Canada have been extremely disappointing. Reductions in injuries and deaths from various measures to promote increased wearing of seat belts have consistently fallen short of initial expectations. In one respect this apparent failure may be attributable to the overly optimistic expectations that preceded efforts to increase wearing rates."

— R.A. Warren and H.M. Simpson
"Seat Belts and Traffic Safety"
Ottawa: Traffic Injury Research
Foundation, 1980

The overall relative reduction in motor vehicle occupant injuries was calculated at 6 percent. A smaller reduction (3 percent) was found in Ontario, and in Quebec an *increase* of .5 percent was recorded.

Based on the observed increases in belt use, researchers Jonah and Lawson estimated what the reductions in motor vehicle occupant fatalities and injuries should have been after the laws. Actual reductions were not as great as expected. In Ontario, for example, the expected reduction in fatalities was 18 percent; the actual reduction was 14 percent. In Quebec, the ex-

(Cont'd on page 4)

Canadian Laws Increase Belt Use; Mixed Results In Reducing Deaths

(Cont'd from page 3)

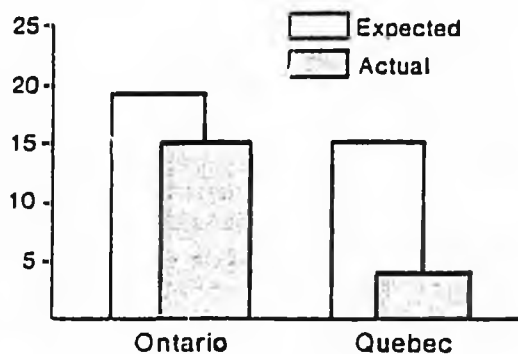
pected fatality reduction was 14 percent; the actual reduction was 4 percent (figure 2). Differences between actual and expected injuries were even greater: an expected 10 percent vs. an actual 3 percent in Ontario; in Quebec, an expected 8 percent reduction vs. a 15 percent increase.

The reduction magnitudes were "not as much as anticipated," Jonah and Lawson noted, adding that Quebec "did not appear to enjoy any benefits of seat belt legislation."

The researchers cited the unevenness of compliance with seat belt laws by various population groups as the most plausible reason for the less-than-expected reductions in deaths and injuries. "The seat belt laws resulted in safe drivers wearing their belts more than the unsafe drivers, the result of which was the reduced effectiveness of the laws," the researchers said. They added that intensified police enforcement of seat belt laws would be needed to achieve use rates of 80 percent, "at which point the observed occupant casualty reductions should be more in line with" expectations.

"The Effectiveness of the Canadian Mandatory Seat Belt Use Laws" by Brian Jonah and John Lawson will appear in *Accident Analysis and Prevention*, Vol. 16, No. 5 (1984).

Figure 2
Actual vs. Expected Percentage Reductions in Motor Vehicle Fatalities After Enactment Of Seat Belt Use Laws Ontario and Quebec



30 Countries Have Seat Belt Laws

In 1970, Victoria, Australia, became the first major jurisdiction in the world to mandate seat belt use. Since then, more than 30 other jurisdictions have followed suit:

Country	Effective Date of Seat Belt Use Law
Australia	
Capital Territory	1972
New South Wales	1971
Northern Territory	1972
Queensland	1972
South Australia	1971
Tasmania	1971
Victoria	1970
Western Australia	1971
Austria	1976
Belgium	1976
Brazil	1977
Bulgaria	1976
Canada	
British Columbia	1977
Newfoundland	1982
New Brunswick	1983
Manitoba	1984
Ontario	1976
Quebec	1976
Saskatchewan	1977
Czechoslovakia	1975
Denmark	1976
Finland	1975
France	1973/1979*
Great Britain	1983
Greece	1979
Hungary	1977
Ireland	1979
Israel	1975
Japan	1971
Luxembourg	1975
Malaysia	1979
Netherlands	1975
New Zealand	1972
Norway	1975
Portugal	1978
Puerto Rico	1974
South Africa	1977
Spain	1974
Sweden	1975
Switzerland	1975/1980*
USSR	1975
West Germany	1977
Yugoslavia	1975

* repealed, subsequently re-enacted

Source: Highway Users Federation For Safety and Mobility

Summary of Facts About Seat Belt Use Laws

- Belt use rates in four Canadian provinces with seat belt laws — British Columbia, Ontario, Quebec, and Saskatchewan — increased dramatically during the year after the laws took effect. In Ontario, for example, the rate rose from 24 percent to 77 percent. Belt use rates in provinces without seat belt use laws remained virtually unchanged at 10-15 percent.
- The estimated overall fatality reduction as a result of seat belt laws in these four Canadian provinces was 11 percent. The injury reduction was 6 percent. These reductions were not as great as anticipated, based on observed increases in belt use.
- The latest observed use rates among front-seat occupants in Canadian cities with seat belt laws are as follows: 59 percent in Montreal, 73 percent in Ottawa, 62 percent in Toronto, 72 percent in Vancouver, and 41 percent in Windsor.
- Belt use rates in Canadian cities vary by age and sex, with males and older drivers more likely to use belts. Drivers are more likely to use seat belts than passengers, and both are more likely to use belts during the day than at night.
- Great Britain's mandatory seat belt law, which took effect in 1983, resulted in an increase in use rates from 40 percent before the law to 95 percent after the law. Front-seat occupant fatalities reportedly were reduced by 23 percent, injuries by 26 percent.
- Belt use rates in jurisdictions with seat belt laws — in Canada, the United States, and throughout the world — are highly dependent on enforcement. During a three-stage police enforcement program in Ottawa, the use rates rose to 76 percent immediately after the first stage, to 79 percent after the second stage, and to a high of 84 percent after the third enforcement stage. In a comparison community, the belt use rate remained about 44 percent.
- Males younger than 25 years old had the lowest rates of belt use before, during, and at the end of Ottawa's seat belt use law enforcement program.
- In Puerto Rico, the first major jurisdiction in the United States to enact a seat belt law (in 1974), the current belt use rate is about three percent. Puerto Rico's law is not enforced. Elsewhere in the United States, belt use is voluntary and the use rate has remained virtually unchanged at 10-15 percent of drivers since 1978.
- New York is the only state that has passed a seat belt use law; it will take effect in 1985. Prospects for passage of such laws in other states are brightest where the economy is dependent on the automobile industry. In Michigan, for example, this industry and its suppliers dominate the economy, and the Secretary of State predicts a bill to require the use of seat belts "has a better than 50 percent chance of passage after the November election." But in Texas, any attempt to pass a seat belt law would be "difficult," according to a transportation aide in the governor's office.

Belt Use Rates Vary Widely In Canadian Cities

Mandatory seat belt use laws result in widely varying compliance rates, a recent Insurance Institute for Highway Safety survey of belt use in five Canadian cities has indicated. Variations in belt use by city, age, sex, and time of day were observed.

The observational survey of shoulder belt use by more than 100,000 drivers and right front-seat passengers was conducted during August 1984 in Montreal, Ottawa, Toronto, Vancouver, and Windsor. The researchers found use rates varying from 40 percent to more than 70 percent among front-seat occupants in these cities (figure 3a). Such rates indicate substantial increases in Canadian seat belt use since Institute researchers conducted observations in the same cities during 1979. (See *Status Report*, Vol. 14, No. 10, June 21, 1979.)

Observed belt use was slightly higher during morning hours (7 to 9 a.m.) than during the evening (9:30 p.m. to 12:30 a.m.) (figure 3b).

Enforcement Affects Use Rates

In Ottawa, where a recent seat belt law enforcement program was conducted, the observed belt use rate was highest among the five cities. (See related stories on

page 1.) The rate was lowest in Windsor, the city closest to the United States. In all five Canadian cities, belt use was higher among drivers than among passengers.

Belt use among young drivers was lower than among older drivers (figure 3c). The use rate among drivers estimated to be under 20 years old was 54 percent; among drivers 20-24 years old, 63 percent; and among drivers 25 years and older, 66 percent. Thus, young drivers, who have substantially higher fatal crash rates than older drivers, receive less protection under mandatory seat belt use laws.

Belt Use Higher Among Females

Females are more likely than males to use seat belts, both as drivers and passengers, the Canadian survey indicated (figure 3d). In all five cities combined, 70 percent of female drivers and 62 percent of female passengers used belts; for males, the corresponding rates were 64 and 52 percent.

Six survey sites were included in each of the five Canadian cities. At every site, seat belt use observations were conducted during the week and on the weekend in the morning, at midday, and in the evening.

Seat Belt Laws Successful In Great Britain And Australia

Great Britain's mandatory seat belt use law, which took effect in January 1983, has resulted in use rates more than doubling during the first year of the law. The "savings in life and serious injury have been on the order of 20-25 percent, despite a one percent increase in car and light van traffic," Great Britain's Department of Transport has reported.

Belt wearing rates "remained consistently high" during 1983, increasing from 40 percent before the seat belt law took effect to 95 percent among front-seat occupants after the law. Occupants in the rear seat are not required to use belts, but, according to the Department of Transport, "there is no indication ... that, overall, occupants moved to the rear to avoid wearing seat belts."

The number of front-seat occupant fatalities during the 11 months after the law was 23 percent lower than during the same months of the prior year. Injuries were 26 percent lower. Great Britain's Department of Transport estimated that "around 500 lives and 7,000 serious injuries" were saved during 1983.

Although these casualty reductions in Great Britain were impressive, they were not as great as anticipated.

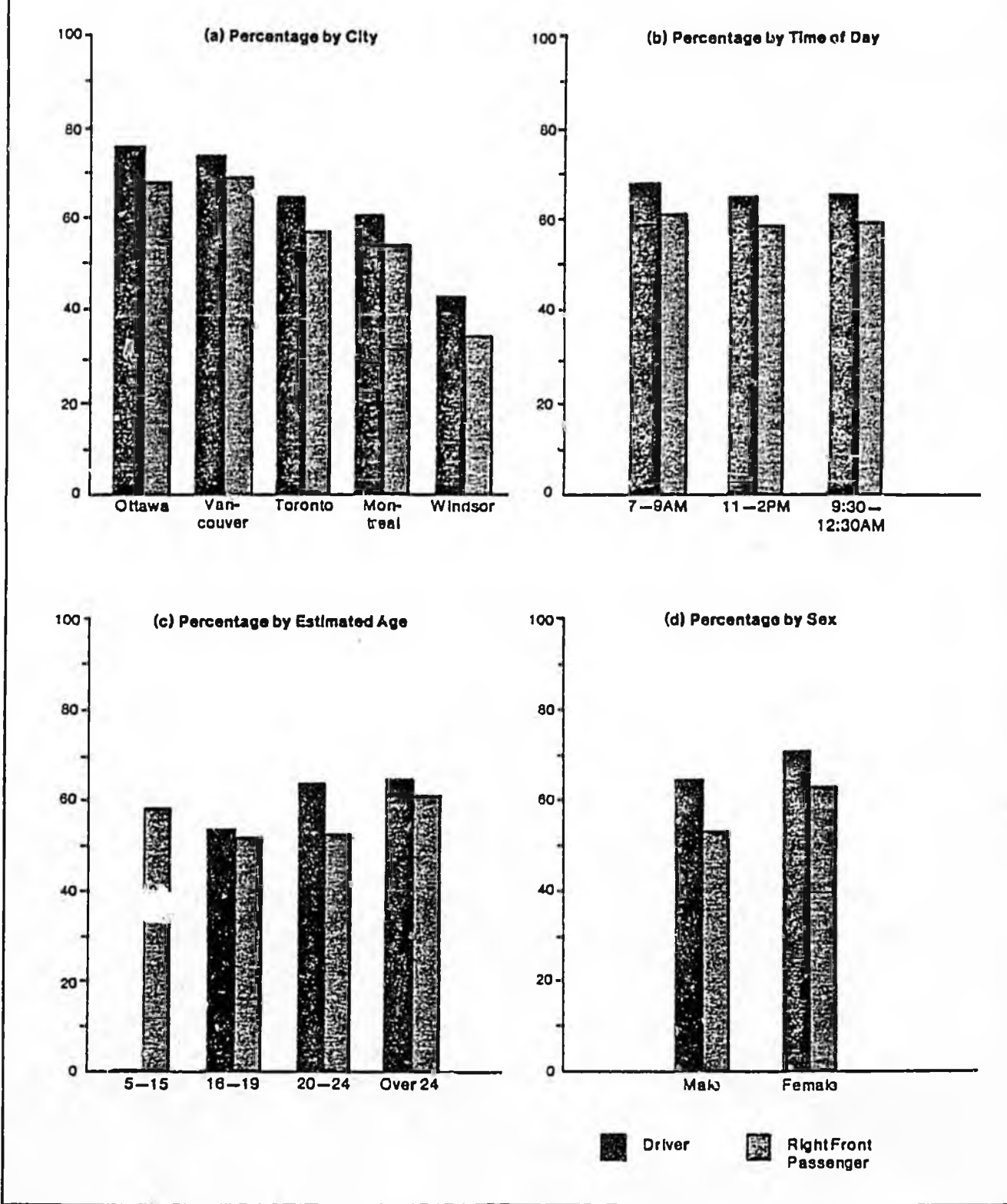
The fatality reduction, for example, should have been 34 percent in Great Britain during the first year of the seat belt law, given the observed increase in belt use to 95 percent and assuming that belts reduce the likelihood of serious and fatal injuries by 50 percent. The actual reduction was 23 percent.

Belt Use Up, Fatalities Reduced in Australia

In 1971, the Insurance Institute for Highway Safety sponsored an evaluation of the first seat belt law in a major jurisdiction, passed in 1970 in Victoria, Australia. This study, the first scientific evaluation of the effects of such a law on fatalities, reported that in the first six months of the law there was a significant reduction of about 18 percent in deaths in the city of Melbourne. However, the legislation had no significant effect on fatalities in rural areas.

Subsequent evaluation of the belt use law in another Australian state, New South Wales, concluded that occupant deaths were about 20 percent below what would have been expected if the seat belt law had not been in effect.

Figure 3
Percentage of Drivers and Front-Seat
Passengers Wearing Belts in Five Canadian Cities
With Seat Belt Use Laws, August 1984



IHS's Decade of Support For Seat Belt Laws

A decade ago, the Insurance Institute for Highway Safety voiced strong support for mandatory seat belt use laws as well as automatic occupant restraints in new cars as compatible means of reducing deaths and injuries. The two approaches are complementary, Institute president William Haddon, Jr., M.D., wrote in 1974, adding that "the continued toll of men, women, and children whose injuries in highway crashes would be lessened or eliminated by these now well-proved approaches cries for the implementation of both."

In 1978, the Institute added that "mandatory safety belt use laws do increase belt use and do reduce death and injury. Belt use laws will have, if enacted and enforced, a very, very beneficial effect."

Enforcement Key to Seat Belt Law Effectiveness

(Cont'd from page 1)

The researchers looked at belt use before, during, and after the periods of intensified enforcement. For comparison purposes, belt use observations were conducted concurrently in Kingston, Ontario, where a seat belt law was in effect but no special enforcement activities were conducted.

The Ottawa program conducted during 1981-82 consisted of three enforcement periods of varying lengths — a one-month period of heightened police activity to enforce seat belt laws, a subsequent two-day period of enforcement, and a later one-week period of enforcement. During these periods, four times as many charges of noncompliance with seat belt laws were issued as during previous months when the enforcement program was not in effect. Considerable publicity stressing the importance of seat belts in saving lives and reducing injuries accompanied each enforcement period.

Dramatic Increases in Belt Use

Seat belt use in Ottawa increased 18 percentage points — from 66 to 84 percent — during the three

periods of heightened police enforcement. The use rate rose to 76 percent after the first period, to 79 percent after the second, and to 84 percent after the third period of enforcement. In the comparison community of Kingston, the belt use rate at the beginning and end of Ottawa's enforcement program was 44 percent.

Belt use increased among males and females and among all age groups during Ottawa's enforcement program (figures 4a and 4b). Use among males younger than 25 years old increased by about the same amount as use among other age and sex groups, but the young males had the lowest levels of seat belt use before, during, and at the end of the enforcement program.

An earlier seat belt law enforcement program, conducted in Ottawa during 1979 and subsequently evaluated by Jonah and others, had the effect of increasing belt use from 58 percent to 80 percent — and some of this increase was still in evidence two years after the program concluded. During the same years, belt use *declined* 10 percentage points in Kingston, the comparison community.

Lower Injury Rates

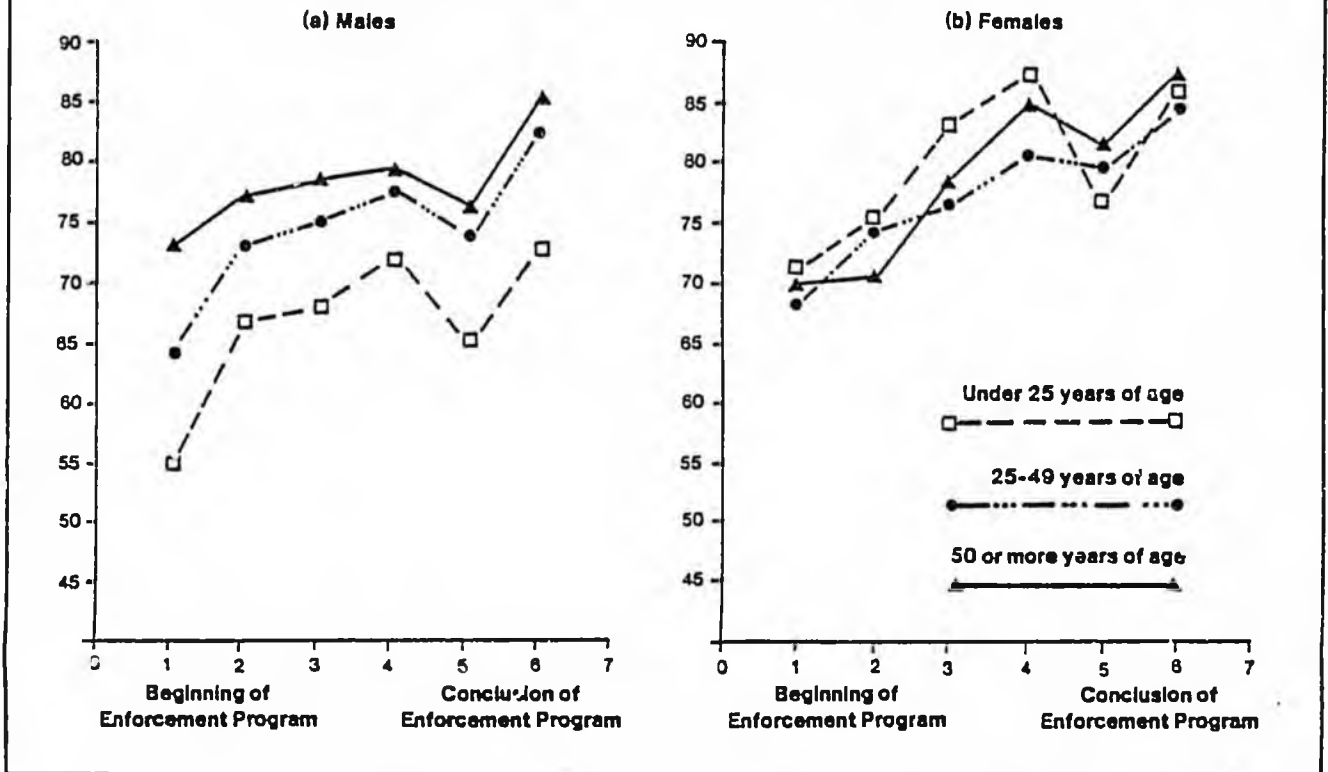
The increase in belt use in Ottawa was accompanied by a 10 percent reduction in motor vehicle-related injuries. In Kingston, a 44 percent *increase* in injuries was recorded. "Clearly, [enforcement programs] can have profound and long-lasting effects not only on seat belt use but also on the ultimate criterion, accident casualties," Jonah noted. He hypothesized that with each successive period of enforcement "seat belt use ... will permanently remain 5 to 10 percent above the baseline, so that ultimately a relatively stable 80 percent use rate can be achieved."

Eighty Percent Use Rate May be Maximum

Jonah further noted that "an 80 percent wearing rate may be all that can be expected of enforcement alone. The other 20 percent of drivers seem to be willing" to pay fines for nonuse of belts. That 20 percent may include disproportionately high numbers of young drivers, nighttime drivers, and alcohol-impaired drivers who are known to be overinvolved in severe motor vehicle crashes. "This problem needs to be resolved," Jonah concluded.

Single copies of "Long-Term Effectiveness of Selective Traffic Enforcement Programs for Increasing Seat Belt Use" may be obtained from Brian Jonah, Road Safety Directorate, Transport Canada, Place de Ville, Tower C, Ottawa, Ontario, Canada K1A 0N5.

Figure 4
 Percentage of Drivers Using Seat Belts, by Age and Sex,
 During Ottawa's Special Enforcement Program, 1981-82



DOT Report Underscores Importance Of Vigorous Enforcement

In 1980, the U.S. Department of Transportation published an exhaustive evaluation of seat belt use laws in 17 jurisdictions including Canada, Australia, and France. Among the major findings of this study were the following:

- "Countries that have enacted seat belt laws seem to have evolved to a state where mandatory seat belt legislation was considered acceptable by the majority of the public prior to actual enactment. Where this is not the case the law has either been repealed, has no penalty associated with it, or is not rigorously enforced by the police."
- "Enforcement of seat belt laws appears to be essential to a high seat belt usage rate. In several countries it was determined that the usage rate was directly

related to the level of enforcement, with high usage rates usually associated with stringent enforcement."

- "... studies conducted in the countries with seat belt laws reveal that 60 to 80 percent of people interviewed prior to enactment of the law indicated that they were in favor of mandatory seat belt usage. However, the usage rate was so much lower that it bore no relationship to the results of the attitudinal studies."

- "Several countries have reported a 15 to 30 percent reduction in fatalities and injuries following passage of the seat belt law. Unfortunately, many countries enacted other safety legislation at the same time the seat belt laws became effective, thereby obscuring the decline in fatalities due to the seat belt law."

- "Researchers from several countries indicated that the change in fatalities and injuries that could be attributed to the seat belt law was less than had been expected."

Without Enforcement, U.S. Belt Laws Fail to Increase Use

Three jurisdictions in the United States have laws or regulations requiring seat belt use. Everywhere else, belt use is voluntary. Across the United States, use rates have remained virtually unchanged at 10 to 15 percent of drivers since 1978, and even fewer passengers use belts.

The following is a summary of the limited experience in the United States with mandatory seat belt laws:

Puerto Rico was the first major U.S. jurisdiction to pass a seat belt use law, which took effect on January 1, 1974. The law applies to virtually everyone riding in a belt-equipped vehicle.

A 1974 survey of belt use in Puerto Rico by the U.S. Department of Transportation indicated a use rate of 18 percent, about the same rate as was being observed elsewhere in the country during that year. At that time, an official in Puerto Rico told *Status Report* that the law was not being enforced because citizens "made such a stink about it." (See *Status Report*, Vol. 9, No. 14, July 26, 1974.)

In late 1983, Insurance Institute for Highway Safety researchers observed seat belt use in Puerto Rico and found a compliance rate of about three percent.

Brooklyn, Ohio, a Cleveland suburb, is the only U.S. municipality with a mandatory seat belt use law, enacted in 1966 by a unanimous city council vote. Signs advising motorists of the law are posted at Brooklyn's city limits, and the police chief has said that citations for nonuse of belts are issued with those for other violations — but *only* with those for other violations. The penalty for a first violation is an oral reprimand; second and third violations carry fines of \$2 and \$5, respectively.

A law similar to the one in Brooklyn, Ohio, was adopted in early 1984 by the council of Richland, Michigan. However, residents subsequently rejected the measure by a 3 to 1 margin in a voter referendum.

New York recently became the first state to pass a mandatory seat belt use law, which will take effect on January 1, 1985. In addition, New York currently has in effect an administrative regulation requiring holders of learners permits to use seat belts. Research sponsored by the Insurance Institute for Highway Safety indicates higher belt use among New York's permit holders than other drivers at some locations — 39 percent

among the learners compared to 7 percent among other drivers at one survey location; 32 percent and 12 percent, respectively, at another location; and 6 percent for both learners and drivers at a third location. "If the regulation has increased use rates, these rates are still quite low," the researchers concluded, and most learners are ignoring the requirement.

Outlook for Seat Belt Laws in the U.S.

Prospects for passage of seat belt use laws are, for the most part, strongest in states whose economies are dependent on the automobile industry, an informal survey by the Insurance Institute for Highway Safety shows.

In interviews with governors' representatives and others, the Institute focused on states with large population centers and obtained a profile of the immediate outlook for action on belt use laws. The automatic restraint rule as presently worded will be rescinded if two-thirds of the nation's population is covered by such laws as of April 1989. (See *Status Report*, Vol. 19, No. 13, July 28, 1984.)

Covering two-thirds of the population would require a minimum of 16 state legislatures to pass seat belt laws. If California, the most populous state, is not among them, 22 states would be required. If neither California nor Texas is among the states passing belt use laws, 26 states would be required.

Outlook in Selected States

Michigan: In this state where the auto industry and its suppliers dominate the economy, Secretary of State Richard Austin said a bill to require the use of seat belts "has a better than 50 percent chance of passage after the November election."

Pennsylvania: Governor Richard Thornburgh is "studying" the issue of a seat belt law in this state, where steel production levels are heavily affected by domestic auto production. State Senator Edward M. Early, who has introduced several belt use bills, said: "I feel very confident" that eventually the state will enact belt use legislation — either incrementally or all at once.

Early said his bill to require front-seat occupants to wear seat belts "has a pretty good chance because there are 19 cosponsors." Early succeeded in getting the state senate to adopt an amendment to a house-passed bill that would require learners permit holders and junior license holders to wear belts. That measure will be worked out in a conference between the two

bodies, although, Early acknowledged, the house voted to reject his amendment. Even so, he said, Dole's recent ruling "enhances our chances" by making automatic restraints or belt use laws an "either-or" proposition.

Illinois: The house passed a bill to require belt use, but Kathy Selcke, a press aide to Governor James Thompson, has reported the bill was stopped in the senate. Of 59 senators, only 10 would go on record — three for, six against, and one voting "present" — when the bill came to the floor.

"With Dole coming out trying to circumvent the air bag, they're [lobbyists] pressuring us," said Selcke. "I think we're going to hear about this again. The auto dealers were very prevalent [during the last session] and they sent some very powerful people. She's holding it out against air bags — everybody is." Selcke said the issue is a "touchy" one for politicians because there's little public support for a state belt use law.

New Jersey: Paul Wolcott, spokesman for Governor Thomas Kean, reported that bills to require seat belt use have been introduced in both houses of the legislature. Kean has said he would probably sign such a measure, although he has "substantial questions" about the enforceability of belt laws and their infringement on individual rights, Wolcott said.

The governor "would have preferred a definitive order requiring the installation of air bags," Wolcott said, adding the governor believes air bags can effectively be distributed throughout the automobile fleet only when the cost is brought down by the large-scale production that would follow a federal mandate.

Texas: A major educational program is underway to increase belt use among state employees, Tom Griebal, a transportation aide in the governor's office, told the Institute. During a special session of the legislature this summer, Texas finally adopted a child restraint use law, he noted. (Only Wyoming remains without such a requirement.)

Governor Mark White has not yet taken a position on the necessity for a state belt use law. "Texas is a frontier state and was once an independent nation," Griebal said, noting that any attempt to pass a belt use law in this individualistic state would be "difficult."

"This one isn't on the front burner yet," said Griebal. "I realize we're going to be key." Texas is pivotal to efforts to meet Dole's two-thirds population requirement of the automatic restraint standard.

California: Governor George Deukmejian has taken no position on belt use laws but is studying a legislative proposal to raise the state's child restraint law to cover children up to age seven, Kevin Brett, deputy press secretary, said.

Jeanette Burton, chief aide to California Senator Diane Watson, said the senator intends to push forward her legislative proposal to require state vehicles to be equipped with air bags. (See *Status Report*, Vol. 19, No. 5, March 24, 1984.)

Massachusetts: Governor's press aide Barbara Kopans noted that "while legislation was introduced last year, it didn't go anywhere." Governor Michael Dukakis has been promoting an educational campaign, hoping to increase voluntary belt use, she reported. Kopans said the governor believes that because so few people use seat belts voluntarily, "it would be nearly impossible to enforce" a law. Dukakis has issued an executive order requiring public employees to wear belts when driving on state business.

Ohio: Governor Richard Celeste has also signed an executive order requiring state employees to wear seat belts when traveling on government business. "There will be some lobbying to get a law introduced," said David Jacobsen of the state's highway safety office. He would not comment on the prospects for such legislation, however.

Virginia: The state legislature had one bill to require belt use introduced last year, but it died in committee, according to Phil Abraham of Governor Charles Robb's office. "The Dole rule obviously is a new factor and whatever efforts the auto industry makes will be a new factor" during the legislature's next session, he noted. "I do know it will be a real fight in this state to obtain passage of such a law," he added.

North Carolina: Deputy press secretary to Governor James Hunt, Lynne Garrison, said the state's legislature will be in flux during the next session. Neither Hunt nor the current lieutenant governor will be in office next January. Garrison predicted little if any activity, noting that no bill had been brought up during the legislature's last session.

Georgia: Governor Joe Frank Harris' press assistant, Barbara Morgan, said there has been no effort to adopt belt use legislation. Nor is the governor undertaking any public campaign to increase voluntary belt use, she said.

Judy Stone, of the National Association of Governors' Highway Safety Representatives, believes that at least a handful of states will adopt such laws by the 1989 deadline. But, she added, she had not heard anyone say, "Gee, the Secretary's rule is going to make it easier for me to get my [belt use] bill through." Stone said she expects many governors to sit back and watch what happens in New York before advocating laws in their states.



the highway loss reduction

Status Report

Vol. 20, No. 1

January 19, 1985

Seat Belt Use Bill Passes in Illinois

Illinois became the third state to pass a mandatory seat belt use law, following New York and New Jersey. The bill, signed by Governor James R. Thompson on Jan. 8, 1985, requires drivers and front-seat passengers to wear seat belts or face a maximum \$25 fine beginning July 1985.

In Michigan a similar bill was four votes short of passage in the House. Rep. David Hollister plans to reintroduce the legislation in the next session.

The Illinois law states that failure to wear a seat belt should not be considered to be evidence of negligence, and it does not limit the liability of an insurer or reduce the damages awarded in a civil suit. Offenders will be charged only when stopped for another traffic violation.

Federal Motor Vehicle Safety Standard (FMVSS) 208 stipulates that a state's mandatory use law must meet certain qualifications for the state to be counted as part of the two-thirds of the United States population covered by such laws that would trigger rescinding the requirement that automakers equip all cars with air bags or automatic seat belts by 1990. Because states must include penalties of \$25 or more for each violation and they must have a provision that allows failure to use a seat belt to reduce the damages in an injury lawsuit, it is uncertain whether Illinois' 11.4 million residents would be counted as covered by the FMVSS 208 requirements. (See *Status Report*, Vol. 19, No. 13, July 28, 1984.)

Facts about Air Cushions

A booklet, "Myths and Facts about Air Cushions," providing factual responses to 14 common misconceptions, is now available from the Insurance Institute for Highway Safety. The booklet addresses such myths as "Air cushions have not been adequately tested" and "Car buyers do not want air cushions," with factual rebuttals based on a comprehensive review of IIHS, government, and automobile company research, and government and public documents.

Copies of the booklet, "Myths and Facts about Air Cushions," may be obtained free by writing Publications, Insurance Institute for Highway Safety, Watergate 600, Washington, D.C. 20037.

With permission of the *Baltimore Sun*.

The Trapdoor

By William Haddon, Jr.

Maryland may soon follow New York and New Jersey in enacting a law requiring the use of seat belts by drivers and front-seat passengers. Such a law can help reduce deaths and injuries. But before Maryland adopts one, there are some points to be considered.

Although such laws in four Canadian provinces increased the use of seat belts from about 20 percent to about 60 percent, the reduction in deaths (11 percent) and injuries (6 percent) was not nearly as great as anticipated. Seat-belt use was lower among young drivers (who have substantially higher crash rates) than among older drivers.

The frequency with which seat belts are used in places with seat-belt laws is highly dependent on enforcement. During a three-stage enforcement program in one Canadian city, use rates went to a high of 84 percent in the stage with most intense enforcement. In a community without strong enforcement, the belt-use rate remained about 44 percent even though there was a law.

By themselves, seat-belt laws are not enough.

To provide protection for passengers in a crash, there should be a baseline of automatic protection, with seat belts as a supplement for those who will use them.

This automatic protection can and should include windshields that are less likely to cause cuts in crashes, and doors and door locks that are designed to decrease the likelihood of being thrown onto the pavement in a crash.

But especially it should include air bags, which can protect the front-seat occupants automatically in the head-on and front-angle collisions which cause most deaths and serious injuries in automobile accidents.

Cars equipped with air bags have now traveled more than a billion miles in the United States and Canada. The Insurance Institute for Highway Safety has studied frontal crashes violent enough to deploy air bags and has found that in the more severe crashes the air bags reduced the severity of injuries to front-seat occupants by 65 percent.

The U.S. Department of Transportation (DOT) is phasing in a requirement that new cars be equipped with automatic restraints such as air bags or automatic seat belts, starting with 10 percent of production with the 1990 models.

Despite the fact that we need both automatic crash protection and seat-belt laws, the important life-saving

requirement for automatic protection will be rescinded if state legislatures covering two-thirds of the population enact and enforce mandatory seat-belt-use laws by 1989.

Most auto manufacturers, which have fought air bags for years, will probably press for enactment of mandatory seat-belt laws as an alternative.

But this could mean that, if state legislatures reach the two-thirds point on enacting seat-belt laws and stop there, as many as 75 million people (the remaining one-third of Americans) could be left without the legally mandated protection of either automatic restraints or seat belts.

The rescission provision in the DOT requirement has become known as the "trapdoor." Officials of New York state (where a seat belt law was passed before the DOT rule was announced) and a number of insurance companies and associations have filed suits challenging the rescission provision. The New York officials contend the provision creates a paradox whereby trying to protect their citizens by adopting mandatory use laws, they find themselves simultaneously furthering the elimination of needed nationwide protection.

Legislators in other states adopting seat-belt laws are recognizing the serious dilemma produced by the DOT rule. They are inserting provisions that they hope will prevent their laws from being counted towards the two-thirds point that would trigger rescission of automatic protection.

For example, the Transportation Department stipulated that the penalty for a legislator in a qualifying law must be not less than \$25. In some cases legislators are calling for a lower penalty.

There also have been proposals for automatically terminating a seat-belt law whenever it is about to be counted in the two-thirds and for requiring that all 1990 (or later) models registered in a state have automatic restraints.

Motor vehicle crashes cause thousands of deaths and millions of injuries every year. Among males 15 to 19 years old, one out of three deaths from all causes is the result of injuries as a motor vehicle occupant.

Seat-belt laws can help reduce this toll. But they should complement automatic protection. They should not be enacted in a manner that would defeat attainment of the goal of automatic protection for everyone.

This life-saving goal is entirely feasible, especially because the new, all-mechanical air bag systems, de-

veloped by New Jersey's Breed Corporation and available in about two years, will cost about \$40 for a driver's air bag or about \$4 a year over the life of the car.

Automatic protection and a requirement that all front-seat occupants belt themselves combine to provide the best crash protection. If they would be established as antagonists, many people would needlessly be injured or die.

Seat Belts and Air Bags

The American Osteopathic College of Rehabilitation Medicine has adopted a resolution calling on automakers to provide automatic seat belts and air bags to consumers.

The group also urged car makers to encourage state adoption of seat belt use laws, and said the U.S. Department of Transportation should expedite rules "to protect the lives of United States citizens by promoting both mandatory seat belt usage and passive restraints by 1986."

The osteopaths also urged states to enact legislation requiring both belt use and installation of automatic restraints in cars.

The American Osteopathic College of Rehabilitation Medicine is comprised of osteopathic physicians specializing in the treatment of moderate to severe physical disabilities including head injuries and paralysis.

An expert witness testified in an affidavit that an air bag system could have reduced or eliminated the woman's head injury, and the judge accepted the expert testimony.

Since the 1979 crash, Mrs. Evers has remained in a coma and requires constant nursing care. "She weighs 60 or 65 pounds," Anderson told *Status Report*.

Briefs filed in support of the appeal include submissions by the American Trial Lawyers Association, the Trial Lawyers for Public Justice, Air Bag Information Center, Inc., and an attorney associated with the Johns Hopkins School of Public Health.

Judge Denies Trial In Suit Over Failure To Install Air Bags

A Florida judge has denied a jury trial for a brain injured victim of a car crash, saying that as a matter of public policy, General Motors is not obliged to provide air bags in order to make cars more crashworthy.

The case has been appealed.

In a hearing on a motion for summary judgement, Judge George C. Carr, of the U.S. District Court for the Middle District of Florida in Tampa, said he believes air bags are effective.

"I would like to have one in my automobile," Judge Carr told the plaintiff, Alexander Evers, Jr., husband of the permanently injured woman, and his attorney, Jon Anderson, "but I don't think as a matter of public policy that this court could impose...on every automobile manufacturer an obligation to put in a passive restraint by way of an air bag."

The injured woman, Marcia Evers, was driving a 1977 Pontiac Grand Prix when another auto ran a stop sign and struck her car on the left front bumper. The striking vehicle then rotated and "side-slapped" the Evers car on the driver side. During the crash — even though she was wearing a seat belt — Mrs. Evers' head was partially ejected and the windshield pillar of the striking car struck her head, the plaintiff's complaint reported.

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IN THE HOUSE

BY NAVARRE AND M.M.MILLER.

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to school vehicle safety; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 28.05 is amended by adding a new section to read:

Sec. 28.05.100. CHILD SAFETY DEVICES IN SCHOOL VEHICLES. (a) A school bus or other vehicle for transporting children that is purchased or leased by the state or a school district after the effective date of this Act must

(1) be equipped with seatbelts or, if the vehicle is to be used to transport children under four years of age, child safety devices meeting the standards of the United States Department of Transportation for child safety devices for infants; the number of seatbelts or child safety devices in each vehicle must be equal to the seating capacity of the vehicle;

(2) be equipped with seat backs that are at least 28 inches high, if the vehicle is over 10,000 pounds gross vehicle weight; and

(3) comply with the safety standards of the United States Department of Transportation for school vehicles.

(b) The chief school administrator of each school district and regional educational attendance area shall set standards for instruction in the use of seatbelts and child safety devices.

(c) The Department of Public Safety shall provide for periodic inspections of school vehicles to ensure compliance with this section.

(d) The driver of a school vehicle is not personally liable for injury to a passenger caused by failure of a passenger in a school vehicle to use a seatbelt or child safety device.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-100.70(c).

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 28, 1985

Ms. Laurel Osborne
Regional Co-Coordinator
National Coalition for
Seatbelts on School Buses
P.O. Box 225
Galena, AK 99741

Dear Ms. Osborne:

This is in response to your letter of February 14 regarding the negative, unsolicited seat belt safety information sent to you by Romayne Kareen of the Department of Education. Thank you for letting me know of your concern.

My Administration supports the use of seat belts in all vehicles, especially those vehicles transporting children.

I have asked Ron Raynolds, Commissioner of the Department of Education, to look into this matter and respond directly to you. He has also been asked to keep this office informed of the progress being made to resolve this concern.

If I can be of any further assistance to you, don't hesitate to write or call.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

cc: Ron Raynolds, Commissioner
Department of Education

SPECULATION ON SEATBELTS IN SCHOOL BUSES

A great many of the arguments against seatbelts in school buses are speculative in nature. Most of the speculation can be laid to rest by the experience of districts which have seatbelts in their large school buses. There are presently seatbelts in school buses in school districts in the states of New York, New Jersey, Illinois, Georgia, Michigan, Oregon, Arizona and Vermont. Greenburgh Central School District No. 7 and Ardsley Union Free Districts in New York report the following facts:

1. Safety belts are installed on the seat frame, not on the floor, so tripping on the anchors is not an issue.
2. The short end of the belt is on the aisle, does not dangle and trip passengers and so is not an issue.
3. No districts report students using safety belts (which are very lightweight) as weapons. This is not an issue.
4. There are no problems with insurance.
5. The belts are color coded, three sets to a seat. When two children ride in the seat, they do not use the middle set.
6. Drivers report fewer discipline problems with belted students.
7. Small children, when belted, no longer slide off the seat.
8. These districts report that 80% of their students wear their belts. Additionally many of the children are now buckling up in their family cars as an extension of what they have learned in their school safety belt program. For example, three teenagers who were avid non-users of seatbelts were involved in serious accidents where seatbelts saved their lives. They directly attributed the wearing of belts to the Ardsley school bus seatbelt program.
9. Students, including kindergarteners, can unbuckle their seat belts in emergency circumstances; they do not need driver assistance. Two separate accidents in 1979 involved school vans which overturned and left very young, belted passengers "hanging upside down". They instantaneously unbuckled their belts and all very quickly and calmly escaped unhurt.
10. No extra time has been added to bus runs. Students have found it possible to take the approximately ten seconds necessary to buckle up without causing any delays.
11. Seatbelts are not expensive. The cost is about \$1000 on a new bus. The cost of retrofitting is about the same--belts cost \$6.25 each, and a district can install them itself with little trouble.

Speculation aside, there are two basic issues in the controversy over seatbelts on school buses which are critical.

1. The NHTSA and the NSTA claim that post 1977 buses utilize the concept of "compartmentalization".
2. The NHTSA and the NSTA claim that "compartmentalization" has been proven in tests to be adequate protection for school children.

Both of these claims are false and are based on misrepresentation and misquotes from studies and tests.

In the paper "The Myth of Compartmentalization, A Deception Which Puts All School Children At Risk," the theory of compartmentalization will be discussed, from its inception at UCLA in 1967 to the final misapplication of the concept to all post 1977 buses.

The National Highway Transportation Safety Administration and the National School Transportation Association quote a number of tests and studies saying that they prove the present school bus seat provides adequate protection for passengers, and that seatbelts are unnecessary and dangerous. Careful examination of these reports reveal the opposite conclusions.

The NHTSA and the NSTA claim that medical opinion is against seatbelts in school buses. They quote one doctor's opinion. That doctor says he has been widely misquoted. Five major medical associations support seatbelts on school buses at this time.

The NHTSA and the NSTA claim that statistically school buses are safer than other modes of transport. It should be noted that statistics involving school bus fatalities and injuries never include accidents which occur on field trips and other extra-curricular activities. The majority of injuries and fatalities occur on field trips.

Some school bus manufacturers say that their post 1977 buses may not be able to withstand seatbelt loads. Federal Standard No. 222 says "The seat is strong enough to take the force of occupants against the seat back if no belts are utilized, or the force of occupants against seat belts if occupants are restrained by belts attached to the seat frame through anchorages provided." These buses apparently do not meet the Federal Standard.

THE MYTH OF COMPARTMENTALIZATION

A DECEPTION WHICH PUTS ALL SCHOOL CHILDREN AT RISK

In the late 1960's the United States Department of Transportation asked the Institute of Transportation and Traffic Engineering at UCLA to undertake a study to find out if crash characteristics of school buses were similar to automobiles and to find out what features of school bus construction cause injury and death during school bus accidents.

The engineers conducted a series of tests and concluded that the major cause of injury in school buses was inadequacy of the bus seat. At that time the seat backs were not padded, were 20" high and had exposed metal bars. The UCLA team determined that a "safety seat" would be the best protection against injuries in school buses.

"An adequately designed, properly structured and anchored high backed contoured (28" or higher well padded back rest) provided with well padded armrests, harness or a lap belt, built into the seat unit with retractable, inertial-lock mechanism, represents the essential features of a safety seat that provides sufficient protection for a bus passenger to sustain, with probably no more than minor injuries, a 30 mph head-on or a 60 mph side and rear end collision as reported in this study."

This was "compartmentalization". Essential to this concept were 28 inch high seat backs, armrests and seatbelts. "Seatback height for all school buses should be at least 28 inches." "High back seats (28 in. or more) greatly contribute to the compartmentalization of passengers thereby reducing the chances of injuries sustained by passengers being hurled against one another, regardless of their size!" "Seats having strong but well padded armrests provide important lateral constraint." "During the bus side-impact experiment, it was observed that armrests provided a significant improvement in passenger safety..."

"These bus experiments, the many actual school bus accidents, investigated by the authors, the many types of collision experiments conducted during the past 16 years clearly establish the value in passenger protection of lap belts when used with high back seats. The greatest single contribution to school bus passenger safety is

the high strength, high back safety seat. Next in importance is the use of a three-point belt, a lap belt or other form of effective restraint. These restraints can be added to the safety seat at very little added cost and their presence provides the continuity needed for proper training of youth concerning habitual use of restraints when riding in any vehicle."

The Department of Transportation then asked UCLA to conduct a second series of tests to develop a seat which would provide protection without the use of a seat belt—a passive seat. The resulting safety seat was massive in construction, had a padded side wall, a heavy padded side arm to compartmentalize the passenger in a side collision and the seat back was made of a mesh yielding material which would absorb the impact of crash forces and virtually catch and contain the child. Unfortunately the mesh had to be replaced after every impact, the seat itself was very expensive and because of its size would have greatly reduced the passenger carrying capacity of the bus.

In 1976 legislation was enacted by Congress to require the NHTSA to set standards to upgrade school bus construction. They were specifically instructed to upgrade the inadequate seat. The resulting seat is well anchored and well padded, but is only raised to a height of 24 inches. It fails to protect the average high school student from whiplash in a rear collision and from neck and chest injuries in a frontal collision. There is no padded side wall, no padded side arm or lateral restraint, and there is no seat belt. The NHTSA's Vehicle Safety Standard No. 222 says:

"The standard relies on compartmentalization between well-padded and well-constructed seats to provide occupant protection on school buses."

But there is no compartment. The NHTSA adopted the word "compartmentalization" from the UCLA studies and applied it to a padded bench seat of inadequate height.

MEDICAL OPINION CONCERNING SEATBELTS IN SCHOOL BUSES

The following medical associations strongly endorse seatbelts in school buses:

1. The American Medical Association
2. The American College of Preventative Medicine
3. The American Academy of Orthopedic Surgeons
4. The American Academy of Pediatrics
5. The Physicians For Automotive Safety

The American Association for Automotive Medicine has been misquoted in a number of papers and articles. In a response to one such article, Elaine Petrucelli, Executive Director for the American Association for Automotive Medicine wrote:

"I recently had occasion to see a news clipping from the Depew Herald dated April 14, 1983 on the subject of seat belts on school buses. In that column you mentioned that the American Association For Automotive Medicine advises against securing young children solely by lap belts in either passenger autos or buses. I do not know the source of your information concerning this Association, but the statement you made is absolutely incorrect. We have never taken a position as you stated in the newspaper article. I would appreciate knowing who or what your source of information is so we may correct this erroneous information."

The medical opinions against seatbelts in school buses are limited to that of one doctor, Dr. H. Raof Noer, an orthopedic surgeon. He is quoted as saying that seat belts crush kidneys and rupture bladders and are unsafe for children under eleven years of age.

The Honorable Ed Mehler, Mayor of the City of Lomita, California, before the sub-committee on Commerce and Finance on Bill HR 4137 (The School Bus Safety Act of 1973) said the following:

"When I talked to Dr. Noer regarding his comments, he said he had been widely misquoted. In talking to me he did not say he was opposed to seat belts in school buses, although he felt other safety requirements should be met first, such as adequate strength of bus bodies, better anchorage of seats and a better seat design such as the one recommended by UCLA and escape hatches. He also felt that the seats should be turned around. He stated that if these things were done, he then would recommend seat belts be provided in all school buses."

TESTS AND STUDIES CONCERNING SEATBELTS IN SCHOOL BUSES

The National Highway Transportation Safety Administration and the National School Transportation Association quote a number of tests and studies saying that they prove the present school bus seat provides adequate passenger protection and that seatbelts are unnecessary and dangerous. Careful examination of these reports reveal the opposite conclusions. Even those reports which appear to be against seatbelts in buses stress that more research is needed .

A STUDY RELATING TO SEAT BELTS FOR USE IN BUSES
Southwest Research Institute, San Antonio, Texas
Sponsored by the California Highway Patrol
Printed by the U.S. Department of Transportation 1977

"This program involved a study of farm labor buses, school buses and transit buses in these various categories of new and used buses. The study included visits, inspections and in-depth discussions with bus owners, operators, maintenance personnel, seat manufacturers, belt manufacturers ...

Southwest Research Institute has concluded the study with the recommendation that seat belts not be installed in any category of bus in the State of Calif. until adequate research and design be completed to justify a factual decision in either direction. Sufficient research has not been accomplished to date."

This report was an opinion survey of those persons who do not favor seatbelts in school buses. No tests, experiments or research were conducted in this study.

ACCIDENT DATA ANALYSIS OF VEHICLE CRASHWORTHINESS--TEN PAPERS
Prepared by the U.S. Department of Transportation, National Highway Traffic Safety Administration, April 1981

"The summary cases from the Ultrasonics Inc. report show that the seats and interior panels cause injuries, severity unknown, to the occupants of the school buses. Also, some cases show that the seats dislodged from their mountings due to the severity of the accident."

The National School Transportation Association provides information in their National School Bus Report, Spring 1984 which refers to the UCLA studies done in the late 1960's. They say "UCLA conducted crash sled tests using seat-belted dummies. The greatest injuries occurred to passengers that were seat belted in the bus. The least injuries occurred to passengers who sat unsecured in the bus." "In addition to several studies that have been done, the Institute of Transportation and Traffic Engineering of the University of California, Los Angeles conducted one of the most comprehensive studies on potential school bus passenger injuries. The use of lap belt restraints was discouraged, especially with the low, unpadded seat backs in use at that time." The NSTA has chosen one isolated test of the UCLA report to support their position and has chosen to ignore the conclusions and recommendations of that report.

SCHOOL BUS PASSENGER PROTECTION

by Derwyn M. Severy, Harrison M. Brink, and Jack Bair
Institute of Transportation and Traffic Engineering, University of California,
Los Angeles 1967

"1. Low back seat units, seatback height less than 28 in., greatly increase chances of injuries during school bus accidents. Seats most commonly encountered in school buses have seatback heights ranging from 18-20 in. These low back units provide no head support except for very young school children and leave the passenger in an extremely vulnerable condition when the vehicle is rear-ended. In addition, for the head-on collision, the lap-belted passenger, even the 3-year-old in some instances pivoted about the belt and struck the top horizontal edge of the low seatback ahead in a manner that applied extremely dangerous forces to the face, neck and chest of the individual."

"7. For the moderately severe collision exposures reported in this paper, it was established that a well-designed safety seat would protect passengers from sustaining more than minor injuries. It is apparent that far safer seats can be provided on the basis of performance guidelines established by this paper. School districts quite properly specify for purchase of the least expensive, most durable seats available. However considering that school buses are used more than a decade, a higher initial investment that provides greatly improved safety and comfort is money well spent."

3. Seatback height for all school buses should be at least 28 in. High-back seats (28 in. or more) greatly contribute to the compartmentalization of passengers thereby reducing the chances of injuries sustained by passengers being hurled against one another, regardless of their size.

9. Seat belts recommended for safety seats. These bus experiments, the many actual school bus accidents investigated by the authors, the many types of collision experiments conducted during the past 16 years by the authors and investigations by others, clearly establish the value in passenger protection of lap belts when used with high back seats. The greatest single contribution to school bus passenger collision safety is the high strength, high back safety seat. Next in importance is the use of a three point belt, a lap belt or other form of effective restraint. These restraints can be added to the safety seat at very little added cost and their presence provides continuity needed for proper training of youth concerning habitual use of restraints when riding in any vehicle."

BUS COLLISION CAUSATION AND INJURY PATTERNS

by A.W. Siegel and A.M. Nahum of the Trauma Research Group, University of California, San Diego

D.E. Funge, Automobile Club of Southern California, 1971

The National Highway Traffic Safety Administration provided financial support. "The authors wish particularly to single out the assistance given by David Soule of the NHTSA."

Restraint Systems and Seats

"In all cases where an individual is ejected from a seat to strike either the forward seat or other areas within the bus, the passenger injury level is increased. It is, therefore, recommended that the seats be padded and that all buses be equipped with restraint systems capable of being activated by each individual. Restraint within the seat area is essential for injury minimization. Restraint must be coupled with removal or reduction of the hazard of the forward front seat back.

For many years certain public and pupil transportation officials have been presenting arguments against installation of restraint systems in buses, particularly school buses. Some insist that it is too costly to retrofit new seats or to pad upper seat backs. Some say that seat structures are too weak, that restraint system maintenance is too difficult, and that bus discipline would be hampered. In part, these arguments are emotional excuses and have delayed needed injury reducing design changes.

Regardless of the cost and the problems, it can be stated quite categorically that the absence of load-distributing, energy-absorbing seats, coupled with the absence of bus passenger restraint systems has and will continue to be directly responsible for the majority of bus injuries and fatalities."

The following report contains the results of a series of tests performed by and for the National Highway Transportation Safety Administration, U. S. Department of Transportation in 1978. The final report is 151 pages long and in a handwritten format. The author very clearly warns of the biases and limitations of the report and stresses that more research needs to be done. All tests were frontal impacts at speeds of 15-20 mph. Unbelted adult dummies suffered serious impact to neck and throat areas, but the author was only allowed to evaluate head, torso, and knee accelerations as potential injuries. The unbelted 6 year old dummy experienced a "severe spinal whipping" on impact, and "All seats fail the injury criteria at 20 mph. For all seat spacings."

Excerpts from:

SCHOOL BUS PASSENGER SEAT AND LAP BELT SLED TESTS

December 1978 Final Report

Prepared for the U.S. Department of Transportation

National Highway Traffic Safety Administration, Washington D.C.

Abstract: Sled tests were performed to determine the response of dummies in simulated frontal collisions with and without lap belts on both route and activity passenger seats; and the effect of increased spacing of passenger seats on occupant protection..

3.2 Injury Criteria

In the evaluation of the test data of reference, it is necessary to establish a set of restraint performance criteria. These criteria will serve as a basis for judging the restraint effectiveness for a given impact event. In this study, the criteria summarized in Table 1 were assumed (head, torso and knee acceleration forces only). It should be noted that these criteria are not all inclusive. That is, there are other potentially harmful body loadings that are not covered by Table 1. This became very apparent when viewing the high speed film documentation of the sled tests... resulted with the dummy impacting the seat back with its throat. There are no currently established injury criteria for this body loading. Another example is reflected in Test #27 (it is apparent in many other tests as well). Of particular interest here is the response of the child dummy (unbelted). Because the knee padding was quite stiff, the dummy's hip was stopped abruptly (relative to the sled) allowing the torso to rotate until the head made contact with the seat back. Once the head made contact with the seat back a violent whipping set in the dummy's spine as it attempted to "beam" the inertial loads of the torso to the knee and head contact points. It is not known if this "whipping action" is unique to the dummy structure or is evidence of a real injury problem. Regardless, there are no existing injury criteria to cover this potential injury mode.

4.0 Evaluation and Discussion of Test Data

The first rather obvious observation that can be made of the data is that the Ward seat appears to greatly outperform the Thomas seat in head protection. However, based on the discussion in section 3.0 there are a number of factors affecting the head response of the dummies. Some of these factors eg. head contact geometry) can lead to other potential injury modes which are not covered by acceleration and force measurements (eg. impacts to the throat.) One key observation that can be made of the data in Table 4 is that there are distinct differences in the head contact geometry between the two seat configurations. These differences appear to be more predominate for the unbelted dummies. ...for the Thomas seat, the head contacted solidly to the mouth and chin whereas for the Ward seats a grazing blow to the dummy's chin results (ie primary blow is taken by the dummy's neck and throat). Thus, other things being equal, the head acceleration can be expected to be higher for the Thomas seat for these test runs. Comparison shows that, ingeneral, the use of the lap belts do not reduce the peak head accelerations but in fact, in most cases, actually cause an increase in peak accelerations. Table 4 indicates that this increase is probably due to the head contact point moving up on the dummy head with the use of the seat belts. It may also be due to the redirection of the head impact into the stiff axis of the seat back structure.

4.1.2 Dummy Torso Response Evaluation

2. The effect of use/non use of lap belts on torso response is insignificant.

4.1.3. Dummy Knee Response Evaluation

4. Use of belts has a decreasing effect on the dummy's knee loading for both seat configurations.

4.1.4 Compartmentalization Evaluation

Compartmentalization is defined herein as the percentage of the dummy remaining within a reference volume during and following impact. The data shows that in general a belted dummy receives more containment than an unbelted dummy both during impact and rebound. It should be noted that all of the sled tests conducted were normal (0) frontal impacts. It is expected that compartmentalization will be somewhat sensitive to the obliqueness, or angle, or impact (this will be especially true for the unbelted dummy).

4.2.1.1 50th Percentile Adult Dummy

2. The difference in the acceleration response between the Wayne/ Carpenter seats and the Blue Bird seats appear to be due to the differences in the head/seat-back contact geometry. (see Table 8). Table 8 shows that the shorter seats (Wayne and Carpenter) result with impacts to the neck and upper chest of the dummies. This results with lower head accelerations due to the relatively "soft" loading point and the longer head stroke caused by the head rotating over the seat back during impact. The Blue-Bird seat results with impacts directed to the chin and mouth of the dummy (a much more solid blow, causing higher head accelerations).

* As explained later, the low accelerations are a result of a "softer" blow to the neck of the dummy. It remains to be proven that this loading is non-injurious.

3.0 The effect of the use of seat belts on head acceleration appears to be insignificant for the Wayne and Carpenter seats (approximately a 20% increase in peak head accelerations.. still well below the design limit). However, the Blue Bird seat appears to show a significant decrease in head accelerations due to the use of seat belts (Figure 16a). This can be explained by looking at Test #38 Table 8 (note 4 indicates floor attachment tore). The noted structural failure could have caused the noted decrease.

4.2.1.2 6 Yr. Child Dummy

1. All seats satisfy the injury criteria at 15 mph impacts.
2. All seats fail the injury criteria at 20 mph. For all seat spacings.

4.2.2.2 5 Yr. Child Dummy

The following observations can be made...

1. The Wayne and Carpenter seats appear* to satisfy the torso injury criteria for both 15 mph and 20 mph impacts. The Blue Bird seat appears* to provide adequate torso protection to 15 mph.
2. Impact speed has a greater, increasing effect on the child dummy as compared to the adult.

* High speed film coverage show that the child dummy's spine undergoes a severe spinal whipping from the "beaming" of the torso inertial loads to the head and knee contact points. There are no currently established criteria for this potential injury mode.

5.0 Conclusions and Recommendations

1. Lap belts do not appear to have a significant effect on the response characteristics of a 50th percentile adult male dummy, for the the rest conditions considered herein.
2. Seat spacing appears to have only a minor effect on the response characteristics of the adult dummy and only a slightly higher effect on the child dummy.
3. The head response of the adult dummy appears to be dictated by the head/seat back contact geometry. Impacts to the neck and throat of the dummy appear to offer the greatest protection from head accelerations. However, this injury potential of this loading configuration has yet to be determined. FURTHER STUDY IS NEEDED..
4. Impacts involving the child dummy show a severe spinal whipping which seems to be caused by the "beaming" of the torso inertial loads to the head and knee contact points (generally the child dummy's torso does not contact the seat back padding during impact). It is not known if this spinal whipping phenomenon is unique to the dummy structure or if it represents a real injury threat. Additional studies are needed to investigate this area.

note: all emphasis is author's own.

March 5, 1985

Representative Mike Miller
Pouch V
Juneau, Alaska 99811

Dear Representative Miller;

I would like to commend you on introducing House Bill No. 224, for requiring the use of safety devices in motor vehicles. There is no question that many lives will be saved with the mandatory use of seat belts.

I do note, however, that under subsection (c) (1) that passengers in a school bus are exempt from this requirement. I feel that such an exemption for school buses will result in a negative re-inforcement of the seat belt law. Children who from infancy have ridden in child restraints, step onto the school bus and find no safety devices what-so-ever.

Perhaps you have already heard the arguement put forth by the school bus industry, that school buses are the safest vehicle on the road. They claim fewer than 100 deaths since 1977. That figure is not realistic because no deaths which occur on school field trips are included in these statistics. Thousands of injuries occur on school buses every year, most of which are serious head injuries, and most of which would have been preventable with seatbelts.

During the last eight months I have thoroughly researched the subject of seatbelts on school buses. I have coalesed the information into a fairly concise format and have included a copy for you to examine. I hope that you will find the information useful in assessing the value of seatbelts on school buses.

Please be aware that if any school bus manufacturer should claim that their school buses would not be able to withstand the stress of seatbelt loads, then they are admitting that their buses do not meet Motor Vehicle Safety Standard No. 222 which states:

"The seat is strong enough to take the force of occupants against the seat back if no belts are utilized, or the force of occupants against seat belts if occupants are restrained by belts attached to the seat frame through the anchorages provided."

If any post-1977 bus cannot withstand seatbelt loads, then it is substandard and should be recalled and taken off the road.

Please amend subsection (c)(1) to read:

"passengers in a school bus purchased before January 1986;"

I am working with Senator Vic Fischer's office on a bill which would require that all new school buses purchased by the state or contracted for by the state must have seat belts and 28 inch high seat backs.

This is a very important issue which will soon be receiving much attention both statewide and nationally. I just received a letter from Governor Sheffield

supporting seatbelts on school buses. I have enclosed a copy of this letter for your information. If you have any questions, please feel free to contact me. As I will be out of the country from March 21 to May 8 another Alaskan contact is my co-coordinator Bridget Ernst.

135 Cityview Ave.
Homer, Alaska 99603
235-7240

Thank you very much for your time and I hope you will pursue this issue.

Sincerely yours,

Laurel Osborne

Laurel Osborne
Regional Co-coordinator
National Coalition For
Seatbelts on School Buses
Box 225
Galena, Alaska 99741
656-1345

THE GOVERNMENT PULSE

SAFETY

Don't Like Seat Belts? You May Have to Move

It's up to the states: belt laws or air bags

By Sue Anne Pressley
Washington Post Staff Writer

New York drivers are not known for their meekness. But even some of the crustiest and most reluctant among them have buckled down and buckled up since Jan. 1, rather than risk a fine of up to \$50 for failing to fasten their seat belts. A state survey during January in four areas of metropolitan New York showed that between 63 and 76 percent of the drivers who were stopped were abiding by the state law in its first month.

"I didn't buckle up before the law went through," said Baez Bernardino, 51, of Brooklyn. "They're not very comfortable, and sometimes you can't maneuver the way you want to, and most of the time traffic on local streets is bumper-to-bumper anyway. But I'm trying. I still have to think about it before I wear it."

New York is the leader in a state-by-state response to a U.S. Department of Transportation ruling last July. Transportation Secretary Elizabeth Hanford Dole announced then that states representing two-thirds of the nation's population must pass seat belt laws by 1989.

If such laws are not passed, Dole said, automakers will have to install air bags or other automatic restraints in new cars. An air bag is a device that inflates automatically on forceful impact, protecting the victim with a cushion between the seat and the windshield.

In the months following Dole's announcement, the reaction by state lawmakers has been mixed.

Ten states—Georgia, Maryland, Mississippi, the Dakotas, Utah, Arkansas, Oregon, Virginia and Wyoming—have killed belt-use bills.

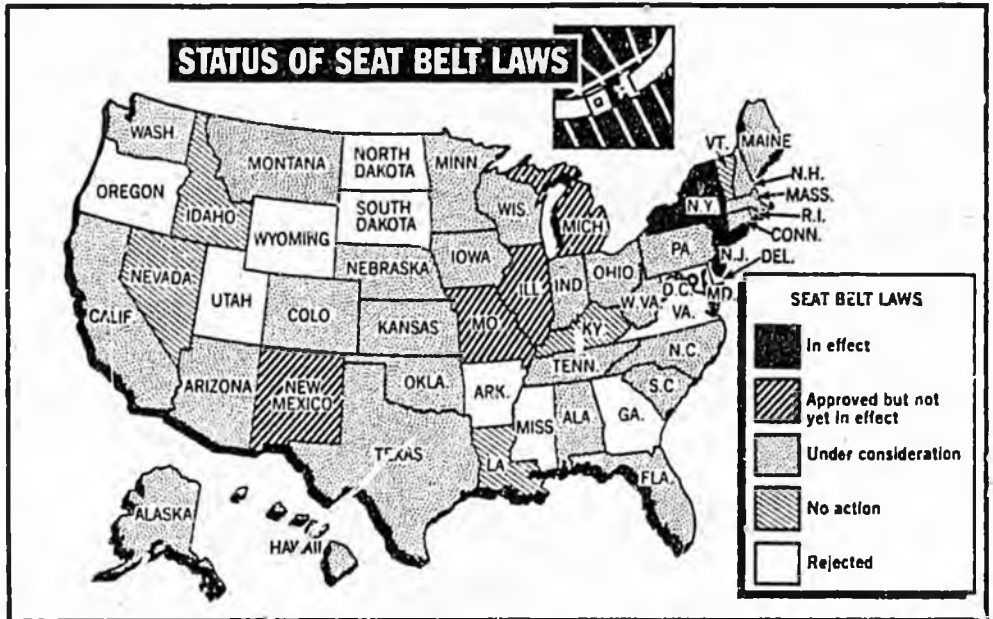
Maryland's action early in March arose out of a distrust of government interference in the private decisions of citizens, as well as resentment that automakers were supporting the bill as a way "of ducking air bags," according to Joseph Owens, chairman of the legislative committee that killed the bill.

The Virginia bill's failure last month also was attributed to the state's long-held resentment of federal interference.

A few states, accounting for about 20 percent of the U.S. population, passed seat belt laws—with moderate controversy among legislators and maximum lobbying by the auto industry. On March 1, New Jersey became the 11th state to enforce such a law. Legislators in Illinois, New Mexico, Michigan and Missouri have approved similar laws, which will take effect later this year.

Twenty-nine states are considering seat belt bills, including California, which has 10 percent of the nation's population.

To the auto industry, the seat belt debate is a high-stakes test of influence and political power. For nearly a decade, automakers have resisted air bags as too expensive and only partially effective. This year alone, the industry



By Brad Wyo for The Washington Post

expects to pump \$12 million to \$15 million into its fight to promote seat belt legislation. Says Tom Hanna, president of Traffic Safety Now Inc., a coalition of major automakers.

To consumer and insurance interests, the intense effort by the auto industry is no more than a means of escaping federal regulations on automatic restraints. The two groups have formed the National Coalition to Reduce Car Crash Injuries to promote air bags as an important safety standard that could save as many as 9,000 lives a year. So far, the coalition has about \$25,000 to spend, according to Joan Claybrook, president of Private Citizen, a consumer advocacy organization.

But to the public at large, which is caught in the middle of the debate, seat belts represent one of two things—either a dangerous intrusion by government into private habits or a sensible way of getting people to take a precaution they might not take voluntarily. In New York, both views are easy to find.

"This is not supposed to be Russia where the government tells you what to do and when to do it," grumbles Alvin Rippey, 35, owner of a Bronx construction firm.

"I wish it was mandatory for everybody, because it's worth it," says Xenia Barley, 29, a Manhattan store clerk. "I any of my friends give me lip about seat belts, I just remind

them of those commercials where people go sailing through the windshield."

Seat belts have been offered as standard equipment in passenger vehicles for almost 20 years. But, while the Transportation Department estimates that belts can reduce serious injury and death by 45 to 55 percent, only 15 percent of the population routinely uses them. Of the 30,500 drivers and passengers who died in traffic accidents in 1983, less than 3 percent were wearing seat belts.

Generally, more women than men are frequent users, and people with higher incomes and more education use them more frequently than other groups, says Charles Pulley, president of the American Seatbelt Council.

The groups that wear seat belts less frequently are people over age 55 and between the ages of 17 and 24—the latter group representing 8 percent of the drivers and 22 percent of the fatalities, Pulley says.

Nonusers complain that seat belts are uncomfortable or could trap them inside the car if an accident occurred. Another excuse from sometime-users is that they see no need to wear the belt when driving on short excursions in their neighborhoods. Pulley points

out, however, that 80 percent of fatal accidents occur within 25 miles of home.

More than 35 countries have seat belt laws. Since Britain's law went into effect Jan. 1, 1983, surveys have shown that usage has risen to 96 percent. In previous voluntary campaigns, seat belt usage had reached only 30 percent.

"The advantage of having a law," says Pulley, "is that the vast majority of people are law-abiding."

In the state of New York, residents are learning the penalty for disregarding their law. Statewide, about 3,000 tickets, ranging from \$10 to \$50, have been given to unbelted drivers and their front-seat passengers. New York city police have issued almost 1,000 tickets.

"The passengers are the people who complain," says New York police officer Joel Crosby. "They say, 'I wasn't doing anything. I was just sitting there.'"

While most New Yorkers are trying to live with the law, others are working for repeal, including Republican state Sen. Michael Norzolio, who has collected 23,000 signatures from people who hate the law.

Betty Shufelt of Rutland, Vt., who gained a certain unwanted publicity for being the first person ticketed under New York's law, would just as soon forget the whole issue. Shufelt, a 29-year-old factory worker, was stopped for a moving violation in Whitehall, N.Y., 10 minutes after midnight on Jan. 1. She ended up with a \$10 ticket for not wearing a seat belt.

"It was a lot of hassle, and I don't like being told what to do," Shufelt says.

When she crosses the New York state line again, however, Shufelt will fasten her seat belt. "I won't want to," she says, "but I will."

"The passengers are the people who complain. They say, 'I wasn't doing anything. I was just sitting there.'"

New York police officer Joel Crosby

Buckling up saves lives

Rep. Mike Miller, D-Juneau, wants to add Alaska's name to the list of states that require automobile passengers to wear seat belts. "It's real simple," Miller says of his proposal. "It saves lives."

The automobile has brought Americans undreamed mobility and opportunity since it was introduced at the turn of the century. But there is a darker side to the story. About 2.5 million Americans have been killed in automobile accidents during the past 80 years. Another 7.5 million people have suffered injuries. Last year, 134 Alaskans were killed and 7,000 more were injured.

Preliminary figures from New York, which began enforcing seat belt requirements in January, suggest the seat belt law there will save 450 to 500 lives in 1985 and \$250 million in health insurance and hospital costs, workers' compensation payments and legal fees — costs paid, in the end, by all of us.

That's a convincing case for seat belts. The need for extra legal encouragement is underscored by the fact that only one in nine Americans voluntarily buckled up before state requirements were introduced.

Required seat belts can and should help save lives in Alaska, too. They would surely reduce the terrible cost of treating the victims of highway carnage. Even Alaskans who don't become involved in accidents pay millions annually for insurance premiums and the cost of responding to auto injuries. A law encourageing Alaskans to buckle up is the easiest, cheapest and most effective thing we can do to bring safer streets and reduced highway safety costs.

3/25/85
Daily News

Q.

Should Alaska require use of seat belts?

A.

Most people don't use seat belts

Should Alaska require mandatory use of seat belts? No. Even though it can easily be shown that seat belts save lives and reduce injuries in accidents it can also be shown that most people do not use them. Even in New York where their use is required, it is estimated that only 70 percent of the people comply with the law. Clearly some other means of protection is needed if one is truly concerned with safety.

The U.S. Government has decided that autos must automatically prevent serious injury and death in collisions below 30 mph. Ten percent of all cars sold after Sept. 1, 1986 must meet this requirement. The next year 25 percent of all vehicles sold must meet this requirement and by 1988 it becomes 40 percent. By 1989 every new car must meet this requirement. To comply with this, auto makers may use air bags, automatic seat belts, or some other form of automatic protection.

I would rather have 100 percent of all new cars equipped with automatic protection thereby eliminating any chance of not using a seat belt. If, however, two-thirds of the U.S. population enact mandatory seat belt laws by April 1, 1989, the auto maker does not have to provide their automatic protection. Until I have a car with automatic protection I will use my seat belts sometimes, but not every time.

—Lee Plummer

A.

Don't let legislators control you

Do we need a mandatory seat belt law? How many laws will we allow to be passed for our safety? Does the legislature really care for our safety? Does the legislature really care for our safety or do they want a better grip on our lives?

There is presently a law requiring us to buckle in our children. Have you looked inside the buses your precious little loved ones ride to school in? Does it have seat belts? Is this in violation of the law or did they exempt themselves from their own law? Can receive a fine for driving my kids downtown without their seat belts on. Is it all right to take the city bus that does not even provide seat belts? Is this an example of government concern for our safety?

I am sure this bill was spurred by federal government's air bag requirement unless two-thirds of the U.S. population is covered by state seat belt laws. Where is their concern for the other third?

Your legislature is supposed to represent you. Write yours to advise him of your opinion. Don't let them control you.

—B.J. Hullman

A.

Time better spent outlawing abortions

If the legislature is truly serious about saving lives they would be well advised to work to outlaw abortions and leave seat belts alone. After all, the victims of abortion are

just as dead and they never even had a choice. —David Ham

A.

People should make own choice

Freedom of choice and the willingness to accept the consequences of one's actions must dominate discussions of a mandatory seat belt law in Alaska. That states like New York, New Jersey and Illinois have enacted similar legislation is probably as good a reason not to have a mandatory seat belt law as most Alaskans will require.

I personally believe that the current law requiring that children wear seat belts is appropriate... so how come school buses don't have seat belts. I wear a seat belt all the time and encourage my friends to wear them, but I don't want the government to put them in jail or take their money if they choose not to.

The story is always the same. Whenever government attempts to protect individuals from everything that could harm them, they create more problems than they solve.

Should Alaska require mandatory use of seat belts in cars? No!

—Chuck Hutchins

A.

Belted people walk away from wrecks

The Southern Region Emergency Medical Services Council, Inc., a nonprofit corporation which promotes improved emergency medical care in Southcentral and western Alaska, supports HB 224 which requires all occupants of a motor vehicle to buckle their seat belts.

It would be obvious why we support the seat belt requirement. EMS workers, the lifesaving capacity of seat belts on a daily basis. Quite simply, belted people walk away from wrecks where unbelted people don't. This is a fact to which even the opponents of the legislation will admit.

We believe the state should step in because as a society we have known of the benefits of seat belts for 20 years. We have even had them in our cars for that long. Nevertheless, the majority of drivers and passengers still do not use them every time they get into their cars.

Until the law passes, your local ambulance service pleads with you to buckle yourself up every time you get in a car and insist that your passengers do also. And more importantly, restrain your children in a car seat and insist that your older children buckle up themselves.

—Jerome Selby, chairman Board of Directors

A.

Not wearing seat belts costs billions

It never ceases to amaze me how people will make countless excuses for not wearing their seat belts.

The personal freedom advocates really amuse me. They forget that driving is a privilege extended to them and not their right. Stoplights, stop signs, speed limits and other regulations are generally adhered to without our "personal freedom" being violated. I don't want a good law rejected for fear of Big Brother.

Those whose stupidity exceeds only their ignorance have created a need for this law. Billions are wasted annually on unnecessary medical costs, not to mention the personal grief from injury and death.

—Kevin W. Ramsdell

A.

We all pay for those not buckling up

I support the passage of a mandatory seat belt law in Alaska. And while I am also a supporter of individual liberty I don't feel that individuals have a right to engage in behavior which adversely affects me or anyone else.

You may ask yourself "how does my becoming seriously injured because I don't have a seat belt affect anyone other than myself?" Well, if an insurance company or government pays the medical bills then you are forcing us all to pay either higher insurance premiums or more taxes. And because almost no one pays their own hospital bills these days, and just about all of us are paying for the irresponsibility of those who choose to not wear their seatbelt.

Well I'm tired of paying for other people's unnecessary deaths and injuries through my insurance premiums and taxes!

—Tom Scott

A.

EMT never unbuckled a dead person

For the last four years I have been an emergency medical technician (EMT) in the State of Alaska. During that time I have never had to unbuckle the seat belt of a person that died in a motor vehicle accident.

Not only should seat belts be mandatory for private vehicles but they should also be installed in all school buses and public transportation. Attached to this bill should be a mandatory helmet law as well as a law requiring all users of 3-wheelers and snowmobiles under the age of 16 to complete an eight hour safety course. Alaska is the only state in the country that has accidents as the number 1 cause of death. Let's all start doing something about this alarming statistic!

—Russ

A.

Others affected by not wearing a seat belt

The current seat belt legislation in the House has my total support. I have worked in a supporting role in emergency medical services for eight years and know well how a person's "right" to not wear a seat belt can affect others — the EMTs, paramedics, nurses and physicians who have to care for victims of violent trauma, as well as the families of those same victims.

As a 37 year resident of Alaska, I understand well the mentality that "demands" its personal freedoms, and I can't buy this one. It's time to legislate the wearing of seatbelts.

—Beckie Brookes

A.

Seat belts do help save lives

I think the state should require the use of seat belts in cars because it helps save lives. Many people die each year because they don't wear seat belts. Many people live if they do wear seat belts. The chances of surviving a real bad accident without wearing a seat belt are slim.

—Kristine Olson
Fifth Grade Mountain View Elementary School

A.

Law would only be one more intrusion

I feel that a mandatory seat belt law is another onerous intrusion by groups such as the insurance lobby, the moral majority, M.A.D.D., and others on the liberty fringe still trying to legislate morality. I suggest that we pass legislation making it mandatory for citizens to purchase and carry seatbelts at all times. If it prevents even one case of pneumonia a year, it's worth the risk for our own good. Since Alaskans apparently are without integrity or common sense, we'd better assure our spouses survive by codifying, registering and inspecting everything.

Seatbelts indeed. Save me. —A.S. Faithful

A.

Alaska already has too many laws

Mandatory use of seat belts? Alaska already has too many laws. The concept of seat belts is to save lives. What is wrong with dying? It's quite popular. People are doing it every day and there is a lot less suffering in a car accident than with cancer, etc.

Seat belts are a good idea but if you think they are a good idea then wear them. Brushing your teeth is good for you. Maybe we ought to have a law that a person must brush his teeth at least once a day. Sellers of tooth paste and tooth brushes would love that. Maybe they will sponsor such a law.

—E.C. Polk

A.

Requirements take away freedom

I feel Alaska should not require mandatory use of seat belts in cars. I feel that the law takes away the freedom that the constitution promises. If someone wants to take the chances of possibly flying through a windshield or breaking parts of their body on the dashboard or the steering wheel, they won't wear their seat belts. If someone wants to reduce possible chances of doing these things, they will wear their seat belts.

—Dwight Souper
Fifth Grade Mountain View Elementary School

A.

Seat belts shouldn't be forced on us

No! We should not be "required" to wear seat belts. If we decide otherwise. We are not senseless individuals that need some over zealous legislator to make up laws that protect us from ourselves.

Granted, seat belts are a good idea but, about the decision to wear them be forced upon us by some over protective government!

—Einar J. Norton

A.

Not wearing seat belts is stupid

Nobody has the right to die in public, while I or my children witness, just because they were too stupid, too lazy, or too cool to use their seat belts.

—Jay Sullivan



BATTLE TO BUCKLE IN ALASKANS

By ANN CONY
Daily News reporter

JUNEAU — Rep. Mike Miller, D-Juneau, says a bill he has introduced that would require drivers and passengers to wear seat belts has just one goal: To reduce carnage on the streets and roads of Alaska.

"It's very simple," Miller said. "It saves lives."

In Alaska 31 people died in traffic accidents in 1981, and an estimated 3,000 people were injured, according to state troopers.

There has been a demonstrable reduction in traffic deaths in other countries that require people to wear safety belts, Miller said.

In Great Britain, for instance, fatalities have dropped 53 percent and injuries have dropped 28 percent since 1953, when a mandatory seat belt law went into effect there, according to research done by Miller's staff.

"You don't know whose life you'll save," Miller said. "But you will save lives."

"Mike is quite right. Buckle up will save lives," said Andre Marrou, the legislator's only Libertarian.

"I always wear seat belts," Marrou said. "However, we should not be forcing people to wear seat belts to save their own lives, any more than we should force motorcycle drivers to wear helmets. It makes about as much sense as a law prohibiting suicide."

Miller's bill is scheduled tentatively for its first committee hearing a week from Tuesday before the House State Affairs Committee.

If the bill is approved, failure to buckle up would be treated as a traffic infraction, and violators could have demerit points assessed against their driving record.

Miller said he envisions fines comparable to parking tickets, though the exact amount of fines would be left to the courts to decide.

But it would be within the range of \$10 to \$300 prescribed by law for traffic violations.

"You want it to have a token of a fine, but on the other hand you don't want it to be oppressive," he said.

With Miller's bill, Alaska becomes the 44th state to consider a mandatory seat belt law for adults, according

to Paul Doyle, a research analyst with the National Conference of State Legislatures in Denver.

Every state except Wyoming now has a similar law for infants and young children.

Laws requiring drivers and adult passengers to wear seat belts have gone into effect in the last few months in New York and New Jersey. A similar law will be enforced in Illinois beginning in July. Legislatures in Michigan and Missouri also have passed seat belt bills, which the governors of those states are expected to sign soon, Doyle said.

In New York, use of seat belts for all drivers, front-seat passengers and children under the age of 11 became mandatory Dec. 1, and enforcement began Jan. 1.

According to preliminary figures, traffic deaths for the month of January were down 28 percent compared to January of last year and down 43 percent compared to the average for the month of January during the previous four years, said George Filieau, a spokesman for the Department of Motor Vehicles.

He emphasized that the figures for January 1983 are preliminary, but there is a clear indication that the law is saving lives.

The DMV estimates that about 70 percent of drivers and passengers in New York are complying with the law, Filieau said.

There has been resistance. The opponents have been

loud and vocal," he said.

But public opinion surveys conducted in October showed 64 percent of New Yorkers favored the law, he said.

Before the law went into effect, the state estimated that a 50 percent compliance rate would save between 100 and 150 lives a year, estimate or reduce the severity of 22,000 traffic injuries and save \$230 million a year in health insurance costs, hospital costs, workers' compensation and the cost of responding to traffic accidents involving death or injury, Filieau said.

Now the state estimates that if the January trend continues, 450 to 500 lives will be saved a year, he said.

Because police are enforcing the seat belt law in the course of enforcing other traffic violations, the cost of enforcement is far less than the savings anticipated from the seat belt law, Filieau said.

While Miller said he is only interested in saving lives, much of the impetus for mandatory seat belt laws in the Lower 48 come from the auto industry.

Last year, the administration announced that auto manufacturers will be required to equip new cars with air bags, or other passive restraints beginning in 1985 unless states representing two-thirds of the U.S. population enact mandatory seat belt laws.

In the Lower 48 the big question among states is

whether to conform to federal guidelines and contribute to the two-thirds needed to nullify the air bag requirements, Doyle said.

Like some representatives in other states, Miller said he would like to see both man-



datory seat belt laws and air bags.

But since Alaska's population is so low compared to other states, the outcome of seat belt legislation here is

unlikely to have much effect on the two-thirds requirement, meaning the auto industry is not likely to concentrate much of any of its lobbying efforts in Alaska, Miller and others agreed.

Here the debate is likely to be limited to the issue of seat belt and safety versus civil liberties.

Marrou said the law is enacted in Alaska last year requiring parents to purchase child safety seats for their children. Market some parents, because youngsters may not be able to make an informed decision to protect their own safety without guidance from a parent.

But the government has no

business forcing adults to wear seat belts, he said. "It's up to the state to do that."

"If the government were in the business of forcing adults to wear seat belts, they would have to do that in a way that would not be oppressive," he said.

"I think it's reasonable."

"We should not be forcing people to wear seat belts to save their own lives."
— Rep. Andre Marrou

"You don't know whose life you'll save, but you will save lives."
— Rep. Mike Miller

has the right to risk their own life and limb at a cost of \$250 million a year," he said.

Marrou said he agrees that government should not pay hospital bills and other costs for people who are injured in car accidents when they wear non-requiring seat belts.

Both Miller and Marrou give the mandatory seat belt law a 60-40 chance of being approved by the 44th Legislature.

"I'm finding it hard to have a right view," Miller said. "I'm not sure, but I'm leaning toward you. Either you're in favor of saving lives and you're not for it, or you're in favor of saving lives and you're not for it."

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Keep Daily News

See Page C3 SEATBELTS

Opinion

Seatbelt law needed

As Chief of the State EMS Bureau and as a licensed EMT with the Tesuque Volunteer Fire Department I am shocked and dismayed with the conclusions of your February 22 editorial concerning mandatory seat belt usage entitled: "Even Dummies Have Their Rights."

The accurate and dramatic figures which you quoted indicating that perhaps 200 New Mexican lives could be saved annually are but a small part of the overall impact. Our greatest concern should not be with dead victims who have refused or neglected to buckle-up, but rather with the overwhelming pain and suffering of the surviving friends, loved-ones and relatives. The social costs from the carnage on our highways is enormous. The economic costs of losing a breadwinner in the prime of their life has caused many families to become dependent upon welfare for years to come. We all pay for this.

Further, the most costly "dollar and sense" impact is not with those "fortunate" enough to die in a serious vehicular accident, but with those who survive — permanently disabled and/or seriously impaired. As we are all aware, the medical care costs of these traumatic injuries are astronomical and quickly outdistance even the best health insurance policies (for those of us who are fortunate enough to have such protection). These unfortunate victims are ultimately cared for and sustained with federal and state tax dollars through medical assistance and other rehabilitation programs. Last year, 10 of the top 50 most costly Medicaid insurance claims in New Mexico involved vehicular accidents. In addition to the welfare costs, these expensive "unbelted" and unnecessary injuries have a dramatic and direct impact in raising our insurance rates. We all pay for this too.

I agree that we all need to be continuously sensitive to the concerns about "personal freedom" and the intrusion of government into our daily lives. However, your editorial analogy of the use of seat belts to wearing a helmet to walk up stairs is patently absurd, although reflective of the all too commonly articulated "pro-idiocy" doctrine. A more accurate analogy would be that we as a society have already collectively decided that it is illegal to drink and drive. The consequences are just too dire. Or further, that when we approach a stop sign or red light we must apply the brakes and stop. It is the law. It makes sense compared to the consequences of having no such agreement.

Thus far, through the current Legislative session, I am encouraged that the vast majority of the public (based upon all the statewide polls) and their elected representatives understand these issues. The Child Restraint Law Amendments, the Front Seat Belt Law, the Motor Cycle Helmet Law and numerous DWI-related proposals are receiving substantive hearings and many favorable committee votes. If most or all of these measures pass, New Mexico will have taken a giant step forward towards becoming a safer and saner place to live.

Thus far in 1985 (as of 2-12-85) there were 20 motor vehicle fatalities in New Mexico. Seventeen of these were not wearing seat belts. We must stop the waste. We must protect ourselves from ourselves.

Barak Wolff
Santa Fe

Right to work hurts

K. Clayton Roberts of the National right to Work committee uses statistics on employment in Right-to-work states to "prove" that they are more prosperous

Editorial

Even dummies have their rights

After learning how effectively seat belts save lives and reduce injury, only an idiot would neglect to buckle up.

In New Mexico, the Department of Transportation estimates that using seat belts could save 200 lives a year and reduce disabling injuries such as damage to the spinal cord, head injuries and paralysis by as much as 60 percent. Of the 335 people who died from traffic accident injuries last year, only 10 were wearing seat belts.

A study by the department showed that a driver is more than five times more likely to be killed in a crash when not wearing a seat belt than when wearing one. Passengers in a rear seat are twice as likely to be killed without a seat belt.

Since New Mexico is among the leaders in traffic deaths per capita, everyone ought to take the seat belt message to heart.

Using seat belts is the easiest and most effective way to protect oneself from injury or death in a traffic accident.

Bouyed by these statistics, Senate Bill 111 was introduced, seeking to make the use of seat belts mandatory. Sponsored by Sen. Victor Marshall, R-Bernalillo, it would provide for a fine of from \$25 to \$50 for a driver and front seat passengers who don't buckle up.

As valuable as seat belts are, state officials should work hard to educate the public to elect their use. But it is not the state's business to require them. People who choose not to wear seat belts have a right to accept the risk this choice involves. They have a right to do what they choose in the privacy of their own front seat.

The mandatory law means that the choice to take a personal risk is not acceptable to the state. Those who insist that their personal safety is their own business would be violating the law. The philosophy used to justify requiring seat belts — giving up a little freedom for the public good — is the same thinking which gave us prohibition and could be extended to include outlawing tobacco. In the home, stairs are a major cause of injury. Should the state intervene by requiring safety helmets in houses of more than one story?

Ultimately, in a democracy, people should have a right to be idiots — the right not to wear seat belts — if they so choose. It's not the government's business to protect us from our own stupidity.

Student de

Bill Bennett spent his first weeks as secretary of education striving for an 200 on an achievement test in Outrageousness. By now his description of student life on borrowed money has been immortalized. The guaranteed-loan student of the 1980s is a car-owning, stereo-buying, beach-hopping youngblood with books, a variation on the theme of the Cadillac-driving welfare mom.

According to Bennett, the profligate young won't join the truly suffering if the proposed budget cuts are enacted. If a cap of \$4,000 a year is put on all federal student aid, some would merely trade down from private colleges to public. If the family-income cutoff is lowered to \$32,500, families would just "tighten the belt."

Alas, nobody has yet devised a competency test for Cabinet members. But it appears that cooler heads may yet prevail. A chorus of students, families and private colleges joined a refrain of complaints. The Congress seems to have heard them.

What has been lost in all of the high-ed hullabaloo was any serious critique of what debt does to students. At the moment, about 60 percent of the full-time undergraduate students at four-year institutions borrow money for tuition. The average amount they borrow is about \$2,200 a year, or \$8,200 per degree. The average medical student is nearly \$40,000 in debt by graduation.

For the most part, we have approved this deficit financing of education in the name of equal opportunity. Schools have been the centerpiece of the dream of equality. We pride ourselves on the notion that Americans who begin life on different economic footing can educate themselves up to the same starting line.

But as the debt burden grows, the concept of education as the great American equalizer shrinks. Frank Newman, president of the Education Commission of the States, says that



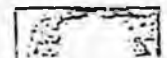
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Diplomatic...

Sen. Houston

One way to save money in state government would be to



BUCKLE UP — SAVE A CHILD

Lorrie Horning

Profile of an Accident

The "typical" child who is killed is a one year old male infant riding in the front seat of a passenger care without a restraint on a clear or overcast day. The driver of the car is the mother who is also not wearing a seat belt. The accident occurs between 8 am and 3 pm within a few miles from home on a dry surface state route. The mother has not been drinking an alcoholic beverage and there are no defects in the family car that contribute to the accident (1).

Cost of an Accident

In the few seconds involved in an auto accident, a victim who is seriously injured may be transformed from a healthy individual to one who must spend the rest of his life in a wheelchair. It will require some 200 medical professionals, including paramedics, doctors, nurses and therapists, to save his life and care for him during a lengthy rehabilitation process. After initial emergency room treatment, the rehabilitation process begins with estimated costs ranging from \$350,000 to \$600,000 (2).

Statistics show two things: 1) only 1 out of 11 children are buckled in a safety restraint device and 2) 1 out of every 40 infants born this year will die in a motor vehicle while 1 out of 20 will be seriously injured.

More children die each year as a result of auto accidents than die from polio, diphtheria, mumps and measles. Auto accidents kill more children than leukemia, crib death and spinal meningitis. Among children ages 1-6, motor vehicle collisions are the major cause of death and disability. According to the National Center for Health Statistics, in 1980, approximately 90,000 children under 6 years of age were injured by motor vehicle accidents. Children under 5 are at special risk because adult seat belt systems are not designed for their small, fragile, top-heavy body structure.

Infant safety seats have been shown to reduce mortality in the under 5 group by as much as 90% and serious injury up to 78% (3). A two year project carried out by a Michigan Insurance Company was evaluated by the National Safety Administration. In the two year project which began in mid-1979, the company distributed 7,140 child safety seats to 58,000 policy holders. Injuries among children riding in cars involved in accidents and insured by the company declined 45% in the period compared to the preceding two years. Severe and fatal injuries were reduced 66.7% and claim costs declined by 76% (4).

One of the reasons most given for not using child restraints is the cost of purchasing the seat. A community organization, the Anchorage Medical Society Auxiliary began an Infant Seat Loaner Program last April to help the situation. Their objective is to make as many infant seats available as are needed in the community and as inexpensively as possible. They hope to encourage and stimulate the widespread use of infant safety seats and thereby reduce the number of infant mortalities and injuries due to automobile accidents. The program is called PECABU: Protect Every Child And Buckle Up. PECABU is open to any greater Anchorage area parent, regardless of income. Clients for the program are parents with newborns going home from the hospital, parents who have infants several months old, and parents who are from out of town visiting family and friends. Since PECABU opened a year ago, it has loaned over 1700 infant seats. The program has two offices, one at Providence Hospital and one at Humana Hospital Alaska. The deposit on the rental is \$15 with a \$10 refund when the seat is returned. PECABU uses the Century Products Infant Loveseat, Model #4500 and loans it out for a period of 9 months or until the infant weighs 20 pounds. Parents complete a rental contract, observe and participate in a demonstration of proper use of the

infant seat. General safety and infant comfort techniques are also stressed. This model infant seat is one of the simplest to use and is approved by The National Safety Administration. There are loaner programs similar to PECABU at Cook Inlet Native Association, Copper Center, and Dillingham. Loaner programs are also beginning in Fairbanks, Seward, Kodiak and Kenai.

The Alaska Child Passenger Safety Association has developed as a result of recent increased interest in automobile safety for children. Spearheaded by an Anchorage physician, Dr. Clint Lillibridge, a task force of interested individuals formed the Association with the intention of stimulating awareness and interest throughout the state concerning child passenger safety and to urge the use of restraint devices for children in automobiles. Members of the Association include State Troopers, Municipal Health Department Staff, hospital, military and Federal Safety Department representatives, Medical Auxiliary officers and interested, concerned parents. The organization has been responsible for setting up displays in shopping malls, demonstrating all types of child restraints, answering questions, passing out literature, and encouraging support for restraint device legislation.

Other community group efforts to create an awareness of child passenger safety include an Anchorage Educational Resource Center. Funded by a grant from the Municipality of Anchorage, the Resource Center acts as a referral center for all community groups interested in educational and promotional aspects of child passenger safety. The Center conducts surveys, makes presentations in schools and provides materials, speakers, and films concerning the importance of using child restraint devices.

At the present time 42 states have passed some form of legislation for compulsory use of child restraints in automobiles. A bill is before the Senate and House regarding such a law for Alaska. Both Fort Richardson and Elmendorf Air Force Base have restrictions for people on their property concerning seat belts and/or child restraint devices.

Researchers at the University of Kansas Medical School have proven that "buckled up equals better behavior". In several studies they observed children riding in cars with their parents. When not buckled up, the children squirmed around on the seats, stood up, complained, fought, and pulled at the steering wheel. When buckled into car safety seats, however, there were 95% fewer incidents of

bad behavior. Children feel secure when buckled up. In sudden stops and swerves, they are held snugly and comfortably in place. Most car safety seats lift children high enough to see out the window. Children are also less likely to feel car sick and more likely to fall asleep. Think for a moment: how much attention do we pay to our driving when our child falls off the seat, hangs out the window, pulls our hair, or tries to open the door? With our children buckled up we can concentrate on our driving without having to worry about their being hurt. We will also be calmer and more relaxed, as will our children, during the drive and when we arrive at our destination.

Here are a few tips to help make your child's ride in the car a safe and happy one and to keep you using your restraint device.

1) Read the directions for proper use of the car seat you have. Use it exactly as recommended, or your child will not be as safe as possible.

2) Put children in the back seat whenever possible. It is the safest place in your car.

3) Have everyone in the car buckled up. An unrestrained child or adult can be thrown into other passengers and cause serious or even fatal injuries.

4) Have a special toy that is used only in the car. It provides more interest and a special attitude concerning the ride.

5) Make a special point of having a treat together with your child for the times that the ride has been particularly good. We all like rewards.

6) Be consistent. Parents need to start with the first ride home from the hospital using a safety seat and use it every ride. Make your child's ride in the car a safe and happy one.

7) Use your child safety seat and your seat belts. Encourage your friends to do the same. With the number of hours children spend in the car these days and knowing that car accidents are the number one threat to a young child's life, it is a good reason to use your child's safety seat and give them the only crash protection they need for the rest of their life - immunize them against the automobile accident!

REFERENCES

1. Scherz RG. Fatal motor vehicle accidents of child passengers from birth through 4 years of age in Washington state. *Ped* 1981;68:572-575.
2. Chicago Sun Times, Wed, Dec 24, 1980.
3. Schera R. Washington State Seat Belt Study, 1970-77.
4. National Safety Council, Newsletter, Women's Division Summer, 1983.

STATEMENT BEFORE
HOUSE STATE AFFAIRS COMMITTEE
HEARING ON HB 224
PRESENTED ON BEHALF OF STATE FARM INSURANCE COMPANY
AND ALLSTATE INSURANCE COMPANY
March 27, 1985

Madam Chairman, members of the State Affairs Committee, my name is Michael Lessmeier. I am a lawyer from Juneau and am here on behalf of Allstate Insurance Company and State Farm Insurance Company to comment on the mandatory seathelt usage law that has been introduced.

Both State Farm and Allstate share the objectives of those who are interested in highway safety, and for that reason we would like to maximize the occupant restraint measures that are currently available to Alaska citizens. House Bill 224, introduced by Representative Miller, is a step in the right direction. If it is strictly enforced, this law will save the lives and reduce the injuries of many of those involved in automobile accidents in Alaska. That is the intended effect of the law. However, because of a recent Federal Department of Transportation ruling this law may have several unintended effects. Our goal here today is to urge this Committee to consider amendments to

House Bill 224 which would assure that the effect of this bill is to save lives and reduce injuries and not to limit the totality of those safety systems available to people in the entire United States.

There are two types of passenger restraints that work together to provide the maximum protection currently available. One is manual--the passenger must remember to use it each time and to choose to use it. The other is automatic--it protects the passenger regardless of selection and regardless of memory. Examples of automatic restraints are airbags, automobile seatbelts that are attached to the door, and cushioned interiors that are energy absorbing.

In a July 1984 ruling, the Department of Transportation created an unfortunate "either-or" proposition: EITHER states with two-thirds of the U.S. population enact mandatory seatbelt usage laws meeting certain criteria by April 1, 1989, OR all new cars must have automatic restraints beginning September 1, 1989 following a percentage phase in beginning September 1, 1986.

If the sixteen most populous states enact mandatory seatbelt usage laws meeting the Department of Transportation's criteria, then the automatic restraint requirement will be killed. Thus,

the remaining thirty-four states and their more than 80 million people could end up with neither a seatbelt law nor a federal automatic restraint standard.

We feel the effort to repeal the Department of Transportation ruling is a serious setback for automotive safety. Seatbelt laws may make a temporary dent in the statistics--approximately 45,000 killed and approximately 1.7 million injured annually--but will fall far short of the substantial reductions automatic restraints would bring.

This Department of Transportation ruling creates additional issues which must be dealt with when considering the adoption of a mandatory seatbelt usage law. Because of this ruling, such a law would have the unintended effect of counting as a vote against another form of highway safety, that being passive restraints. Because of this ruling, such a law could have the unintended effect of changing the highway safety perspectives of the other states. Furthermore, because of this ruling, such a law may have the unintended effect of depriving many people of any form of occupant protection.

To achieve the intended objective of reducing injuries and saving lives, we suggest the addition of three provisions to the

proposed mandatory seatbelt legislation. First, a purpose statement should be added which clearly states the Alaska seatbelt law was written to be compatible with federal safety standards requiring automatic crash protection, not as an alternative to such protection. Second, a mitigation of damages provision should be added permitting courts to consider the use or non-use of seatbelts as an element in apportioning damages. This will strengthen the law by assuring everyone that the legislature believes seatbelt use is important and we believe this provision to be a very effective enforcement mechanism. The third suggested amendment is a sunset provision which states that the mandatory seatbelt law shall cease to be effective on December 31, 1988 and that the Department of Motor Vehicles shall, on or before December 31, 1987 submit a report to the legislature on the degree of compliance in this state and its impact on highway safety. Such a provision would in effect provide for a sunset review of the law to determine the degree of compliance and the laws impact on highway safety. If the law is not being enforced and if it has no impact on safety it should be allowed to sunset. This is another way of insuring that this mandatory seatbelt law will not be counted by the Secretary of Transportation for the purpose of rescinding the passive restraint standard.

The required use of seatbelts may well save lives and reduce injuries resulting from automobile accidents. However, we believe passive restraints will provide additional, more effective protection to those who buckle up and without question such restraints will provide the only protection for those who don't. By amending House Bill 224 as proposed we will have given our best effort to assure that the only effect of this law will be to improve highway safety.

REHABILITATION MEDICINE ASSOCIATES, P.C.

—Diplomates American Board of Physical Medicine and Rehabilitation

101 E. 42nd AVENUE, SUITE 304, ANCHORAGE, AK 99508 (907) 563-8876

J. MICHAEL JAMES, M.D.

ROBERT T. FU, M.D.

MORRIS R. HORNING, M.D.

SHAWN HADLEY, M.D.

19 March 1985

Representative Mike Miller
House of Representatives
State Offices
Juneau, Alaska

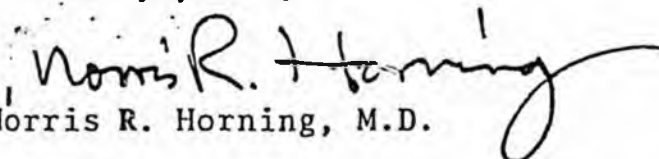
Dear Representative Miller:

I was very pleased to see in the Anchorage Daily News, March 18th that you have introduced a bill to require the use of seat belts in automobiles. This bill is so clearly desirable in terms of saving life, limb and tax payers money that at first glance it seems everyone would embrace it wholeheartedly. Yet I know many staunch conservatives bridle at this excessive government control of their private actions. I agree wholeheartedly that seat belt legislation falls in the same category as requiring cars to have well functioning lights and brakes.

I am writing at this time to applaud your efforts and also to offer any support I can. If you would have any suggestions of key opponents to this legislation to whom we could address a letter campaign, I'd be eager to rally support here in Anchorage. As past president of the local Medical Society I may be able to stir up support from that quarter also.

Thank you for your efforts on behalf of the safety of all Alaskans. If this legislation is successful, you will have a larger impact on our state's health than any physician will have this year.

Sincerely yours,


Morris R. Horning, M.D.

MRH:cc

Original sponsor: M.M.Miller

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 224 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mandatory use of safety devices."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 28.05.095 is repealed and reenacted to read:

9 Sec. 28.05.095. USE OF SAFETY DEVICES REQUIRED. (a) Except as
10 provided in (c) of this section, a person may not occupy a motor
11 vehicle while in operation unless restrained by a safety belt.

12 (b) Except as provided in (c) of this section, a driver may not
13 transport a child under the age of seven in a motor vehicle unless the
14 driver has provided and properly secured each child as described in
15 this subsection. If the child is less than four years of age, the
16 child shall be properly secured in a child safety device meeting the
17 standards of the United States Department of Transportation for a
18 child safety device for infants. If the child is between four and six
19 years of age, the child shall be properly secured in a child safety
20 device approved for a child of that age and size by the United States
21 Department of Transportation or in a seatbelt, whichever is appropri-
22 ate for the particular child.

23 (c) Subsections (a) and (b) do not apply to

24 (1) passengers in a school bus or an emergency vehicle;

25 (2) a vehicle operator acting in the course of employment
26 delivering mail or newspapers from inside the vehicle to roadside mail
27 or newspaper boxes;

28 (3) a person or class of persons exempted by regulation
29 under AS 28.05.096;

1 (4) a person required to be restrained by seatbelts under
2 (a) or (b) of this section if the motor vehicle is not equipped with
3 seatbelts; or

4 (5) a motor vehicle exempt under AS 28.10.011(11).

5 (d) A person may not remove a seatbelt from a vehicle solely to
6 be exempted under (c)(3) of this section.

7 (e) Failure to comply with the requirements of this section may
8 not

9 (1) be considered evidence of negligence;

10 (2) limit the liability of an insurer; or

11 (3) diminish a recovery for damages that arises out of the
12 ownership, maintenance, or operation of a motor vehicle.

13 * Sec. 2. AS 28.05.096(a) is amended to read:

14 (a) The commissioner of public safety may adopt regulations to
15 exempt a person [CHILD] or a class of persons [CHILDREN] from the
16 requirements of AS 28.05.095 if the commissioner determines that the
17 use of a [CHILD] safety device is impractical because of physical or
18 medical conditions of the person or class of persons [CHILD].

19 * Sec. 3. AS 28.05.099 is amended to read:

20 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
21 of AS 28.05.095(a), (b), or (d) [(c)] is guilty of an infraction and
22 may be fined up to \$15 and assessed demerit points as determined by
23 regulations of the department, notwithstanding the provisions of
24 AS 28.15.231(b).

25 (b) A person who violates AS 28.05.095(b) [AS 28.05.095(a)] by
26 failing to provide a child safety device or seatbelt may provide a
27 peace officer, including a village safety officer, proof of purchase
28 or acquisition, and installation, of an approved child safety device
29 or seatbelt. If the proof is provided within 30 days after the

Alaska State Legislature



House of Representatives House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

MEMORANDUM

April 30, 1985

TO: George Edwards, Counsel
Legal Services

FROM: Rep. Mike Miller *dt*
by Denise Zachary, A.A.

RE: CS HB 224 (Judiciary)

Amendment : Page 2, line 15; delete [.] , and insert
or class of persons.

House Judiciary Letter of Intent:

It is the policy of the state that enactment of this mandatory automobile safety belt use law is intended to be compatible with support for federal safety standards requiring automatic crash protection and should not be used in any manner to rescind federal automatic crash system requirements for new cars.

Alaska State Legislature



House of Representatives House Judiciary Committee

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HB 224

Letter of Intent

It is the policy of the state that enactment of this mandatory automobile safety belt use law is intended to be compatible with support for federal safety standards requiring automatic restraint systems and should not be used in any manner to rescind federal automatic restraint system requirements for new cars.