

SB

316

Alaska State Legislature

Senator Con Bunde
District P

Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee
Member: Legislative Budget & Audit Committee

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-4843

During Interim:
716 W. Fourth Avenue
Anchorage, AK 99501-2133
(907) 269-0181

MEMORANDUM

DATE: February 27, 2004
TO: Senator Ralph Seekins, Chair Senate Judiciary Committee
FROM: Senator Con Bunde
RE: Senate Bill 316 Hearing Request

Senator Seekins:

I respectfully request a hearing before the Senate Judiciary Committee on SB 316 regarding a primary seat belt law.

Attached please find SB 316, sponsor statement, bill information sheet, fiscal note, relevant studies, and letters of support. Thank you for your consideration of this bill.

Sincerely,


Senator Con Bunde



Alaska State Legislature

Senator Con Bunde
Senate District P

Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee
Member: Legislative Budget & Audit Committee

Sponsor Statement

Senate Bill 316

“An Act relating to motor vehicle safety belt violations.”

Currently, Alaska state law requires *all* individuals to wear a seat belt while driving or riding in any vehicle. Senate Bill 316 changes the enforcement measures of this law to allow police officers and state troopers to pull over individuals who are not wearing their seat belt. Presently, officers may cite drivers only if they are pulled over for another violation. As a direct result of this legislation, we have the opportunity to save lives, collect millions of dollars in Federal highway funding that comes with compliance of a primary seat belt law and save the state hundreds of thousands of dollars in emergency, rehabilitative and insurance costs annually.

Motor vehicle accidents are the *leading cause of death* for Americans of every age from 6 to 33 years of age and Alaska has one of the leading accident related death rates of all 50 states. Although seat belt use is required by statute and is the single most effective safety device in preventing injuries and fatalities, we are currently unable to enforce its use. In Alaska, a change in enforcement powers would lead to a 10-15% increase in seat belt use. That increase alone will prevent hundreds of injuries and save 12-15 lives in the first year alone.

The State of Alaska will automatically receive \$3,921,250 as a one time Federal grant for enacting a primary seat belt law (U.S. Department of Transportation, SAFETEA Primary Safety Belt Law Incentives Program). The grant may be used towards any road improvement plan statewide, including work on guardrails, new lanes, hazard elimination or any needed repairs. Additional funds to run advertisement campaigns and awareness programs will also be available based on current seat belt use and public compliance with the law.

Lastly, the primary enforcement seat belt law has been proven to save billions of dollars that society bears annually from motor vehicle accidents. Eighty-five percent of all costs involved in a motor vehicle crash are borne by society. On a national level in 2000, the total cost of motor vehicle crashes was over *230 billion dollars* (Alaska paid nearly a half a billion dollars), a cost of \$820 per person (National Highway Traffic Safety Administration). Safety belt usage saves approximately 50 billion dollars annually; conversely we spend an *extra 26 billion* on non-use.

Enacting a primary seat belt law may save more lives than any other single piece of legislation we consider this session. Currently, 20 states plus the District of Columbia have chosen to enforce a primary seat belt law. If every state did, we would save 1,900 lives, prevent 49,000 injuries and save Americans billions of dollars in health care, taxes and insurance costs in the first year alone. This bill saves money and lives. I urge you to consider the evidence before you and support SB 316.

Senate Bill: 316

Short Title: "An Act relating to motor vehicle safety belt violations."

Sponsor: Senator Con Bunde

Current Version: SB 316

Contact Information: Lauren Wickersham 907-465-4843

Summary:

- Changes the current seat belt law from a secondary offense to a primary offense.
- Changes the enforcement measures of our current seat belt law to allow police officers and state troopers to pull over individuals who are not wearing their seat belt.
- Does not change or affect that fact that drivers and passengers are currently required by state law to wear a seat belt while in a motor vehicle.

Benefits:

- Primary seat belt laws have been proven to save lives and reduce injuries related to motor vehicle crashes.
- The State of Alaska will collect close to 4 million dollars in Federal highway funding that comes with compliance of a primary seat belt law.
- Enacting a primary seat belt law will save the State of Alaska hundreds of thousands of dollars in emergency, rehabilitative and insurance costs annually.

Background

- Primary seat belt laws have been enacted by 20 other states, plus the District of Columbia
- Commissioner Tandeske, the Chief of Police in both Fairbanks and Anchorage and many public safety groups locally and nationally are in full support of a primary seat belt law.
- For specific information, contact Lauren Wickersham in Senator Bunde's office.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 316
 (S) Publish Date: 2/27/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Motor Vehicle Seat Belt Violations RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Sen. Bunde
 Requester S. State Affairs Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

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|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
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FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: *(Attach a separate page if necessary)*
 This bill will repeal AS 28.05.095(e) that will, in affect, change seat belt violations from a "secondary" violation to a "primary" violation. This will allow law enforcement officers to contact motorists when a seatbelt violation is observed. As the law is now, the officer must have another reason to contact the violator before enforcement action can be taken for the seatbelt violation.

 It is anticipated the implementation of this bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 269-4532
 Division Alaska State Troopers Date/Time 2/23/04 9:24 AM
 Approved by: Commissioner William Tandeske Date 2/23/2004
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 316
 (S) Publish Date: 2/27/04

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Seat Belt Violation as Primary Offense RDU Administration & Support
 Component Commissioner's Office
 Sponsor Bunde
 Requester Senate State Affairs Component No. 530

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Nona Wilson Phone 465-6973
 Division Legislative Liaison Date/Time 2/20/04 9:12 AM
 Approved by: John MacKinnon Date 2/20/2004
 Agency Deputy Commissioner

Sec. 28.05.095. Use of seat belts and child safety devices required.

(a) Except as provided in (c) of this section a person

(1) 16 years of age or older may not occupy a motor vehicle while being driven unless restrained by a safety belt; and

(2) may not operate a motor vehicle unless restrained by a safety belt.

(b) Except as provided in (c) of this section, a driver may not transport a child under the age of 16 in a motor vehicle unless the driver has provided the required safety device and properly secured each child as described in this subsection. If the child is less than four years of age, the child shall be properly secured in a child safety device meeting the standards of the United States Department of Transportation for a child safety device for infants. If the child is four but not yet 16 years of age, the child shall be properly secured in a child safety device approved for a child of that age and size by the United States Department of Transportation or in a safety belt, whichever is appropriate for the particular child.

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

(1) passengers in a school bus, unless the school bus is required to be equipped with seat belts by the United States Department of Transportation, or an emergency vehicle;

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

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

(4) a person required to be restrained by safety belts under (a) or (b) of this section if the motor vehicle is not equipped with safety belts.

(d) A person may not remove a safety belt from a vehicle solely to be exempted under (c)(4) of this section.

(e) Notwithstanding any other provision of law, a peace officer may not stop or detain a motor vehicle to determine compliance with (a) of this section, or issue a citation for a violation of (a) of this section, unless the peace officer has probable cause to stop or detain the motor vehicle other than for a violation of (a) of this section.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Alaska Seat Belt Cost Analysis EXECUTIVE SUMMARY

OBJECTIVES

An average of more than 39,000 Alaskans are involved in motor vehicle crashes every year. It is an expensive and painful problem with no single cause. For the citizens of Alaska, the medical costs alone are estimated to be over \$14.5 million per year, while property damage and long-term disabilities add millions more to this figure. Alaskans pay a significant portion of these costs through publicly funded programs.

It is well documented that wearing a seat belt significantly reduces the severity of injury and decreases the risk of death in a motor vehicle crash. The *Alaska Seat Belt Cost Analysis* attempted to quantify the medical costs associated with restrained and unrestrained occupants involved in motor vehicle crashes and the sources of payment for these hospitalizations.

RESULTS

With data supplied by the Alaska Department of Transportation and Public Facilities and the Alaska Trauma Registry (ATR), a thorough analysis of the health care costs to treat restrained and unrestrained vehicle occupants was undertaken. The data covered the years 1996 through 1999.

The study revealed that the decision not to wear a seat belt has economic consequences for everyone:

- ✓ During the time period analyzed, medical costs for those who were not wearing a seat belt at the time of the crash totaled \$13 million. Of this amount, 50% was paid with public funds.
- ✓ Victims of crashes in Alaska spent a cumulative average of 2,672 days in the hospital each year. The majority of these individuals - 58% - were unrestrained at the time of the crash.
- ✓ Medicaid costs to treat 83 crash victims under the age of 20 totaled \$1.6 million.
- ✓ Post-hospitalization care for victims of motor vehicle crashes is also expensive. Nineteen crash survivors were placed in "skilled nursing facilities" at a cost of \$1 million, of which 77% was paid by public sources. Of those 19 individuals, 13 were not wearing a seat belt at the time of their crash.

More than \$2.6 million in public funds is spent each year to care for unbuckled victims of motor vehicle crashes, and these are just the documented economic costs. Death and long-term disabilities involving the brain or spinal cord take their own toll on individuals and families and are very difficult to quantify.

CONCLUSIONS AND RECOMMENDATIONS

The *Alaska Seat Belt Cost Analysis* makes a compelling economic case for the use of seat belts. The most recent observational survey of seat belt use conducted in July 2003 showed that Alaskans are buckling up at a rate of 78.9%. While higher than previous years, there is a substantial segment of the population who is still not wearing a seat belt. Introduction and implementation of programs and public policies to encourage seat belt use will result in fewer injuries and deaths, ultimately reducing the financial burden on the taxpayers of Alaska.

Alaska Seat Belt Cost Analysis

**Alaska Injury
Prevention Center**



Ron Perkins, MPH

**Anchorage, Alaska
September 2003**

This research was made possible with funding from the Automotive Coalition for Traffic Safety, Inc.

EXECUTIVE SUMMARY

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- ✓ Post-hospitalization care for victims of motor vehicle crashes is also expensive. Nineteen crash survivors were placed in "skilled nursing facilities" at a cost of \$1 million, of which 77% was paid by public sources. Of those 19 individuals, 13 were not wearing a seat belt at the time of their crash.

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Introduction

Motor vehicle crashes are the leading cause of death for Americans between the ages of 2 to 33 years.¹ Every 13 minutes, someone in America dies in a traffic crash, and every 10 seconds, someone is injured.² Each year in the U.S., traffic crashes claim about 42,000 lives and result in approximately three million injuries. These crashes cost every person in the U.S. an average of \$820 each.³ The financial costs are minor compared with the pain and suffering of the victims or the loss of a loved one.

According to the National Highway Traffic Safety Administration (NHTSA), in the year 2002, 42,815 people were killed in motor vehicle-related crashes and 2.92 million were injured. The total cost was \$230.6 billion.⁴ NHTSA also reported that failure to wear seat belts led to approximately 9,200 deaths and 143,000 injuries, costing the U.S. economy \$26 billion.

In 1999, Alaska had the highest unintentional injury death rate of all the 50 states. Of these deaths, motor vehicle-related fatalities were over twice as high as the next leading cause.⁵ Seat belts are the single most effective safety device in preventing serious injuries and reducing fatalities in motor vehicle crashes. Research has shown that lap and shoulder safety belts, when used properly, reduce the risk of fatal injury to front-seat occupants by 45% and the risk of moderate-to-critical injury by 50%. Child safety seats, when used properly, reduced infant fatalities in passenger cars by 71%.⁶

A 1995 NHTSA study, *Safety Belt Use Laws: An Evaluation of Primary Enforcement and Other Provisions*, showed that states with primary enforcement laws have significantly higher safety belt usage than states with secondary laws. Belt use was about 15% higher in the states with primary enforcement laws. Primary enforcement allows a police officer to stop a vehicle when occupants are unrestrained, while secondary enforcement allows for citing the unbelted motorist only if another infraction resulted in the stop.

Given the documented effectiveness of seat belts in reducing fatalities, the severity of injuries in traffic crashes and, therefore, medical costs associated with those injuries, the Alaska Injury Prevention Center decided to investigate the economic implications of unrestrained vehicle occupants involved in crashes.

This report attempts to quantify the hospital costs associated with seat belt use and non-use in Alaska, as well as to determine what portions of those costs are borne by taxpayers. The research was conducted by the Alaska Injury Prevention Center with funding support from the Automotive Coalition for Traffic Safety, Inc.

Methods

The *Alaska Seat Belt Cost Analysis* project used data from the Department of Transportation and Public Facilities (DOT&PF) from 1990-2001, to compare seat belt usage patterns for all Alaskan motor vehicle occupants. The DOT&PF data are taken from police reports that document seat belt use, property damage, fatalities, time of day, weather conditions, passenger seat belt use, contributing factors, etc.

The Alaska Trauma Registry (ATR) was used extensively for this study because it documents every trauma case resulting in at least one overnight stay in an Alaskan hospital. The ATR contains information about the length of stay, costs for treatment, source of payment, reported seat belt use, age, sex, injury severity, etc. The ATR does not contain information about outpatient visits, scene deaths, private physician contacts, chiropractor visits, and other costs for motor vehicle-related injuries.

Another database maintained by Medicaid, was explored but found to be of limited use because it did not track the cause of injury. If the Medicaid data could be linked with DOT&PF and ATR by age, sex, date of injury, etc., some of the long-term expenses beyond the hospital stay could potentially be tracked.

Hospitalization costs (from the Alaska Trauma Registry) for belted and unbelted occupants injured in a motor vehicle crash in Alaska, for the years 1996 – 1999 were compared. Hospital costs were analyzed by seat belt use or non-use, source of payment, days spent in the hospital, discharge location, and fatalities.

Restraint use was categorized into either the YES group or the NO group in the following manner:

| YES | NO |
|------------------------|-------------------------------|
| Air Bag and Seat Belt | Air Bag Only (not restrained) |
| Seat Belt only | None |
| Infant/Child Restraint | |

Many of the entries listed restraint use as UNKNOWN. The case narrative field in the ATR was used to re-categorize a few of the unknowns, but restraint use or non-use could not be determined for most of the unknowns, therefore they were analyzed separately.

In a landmark publication, *The Cost of Injury in the United States*, Rice and MacKenzie documented motor vehicle-related injuries per victim as the most costly of all unintentional injury categories. The average cost for each person

hospitalized for motor vehicle-related injuries was calculated to be \$43,409.⁷ Several studies have estimated the loss of productivity or quality of life costs for various types of injury, but for this analysis only the quantifiable hospital related costs were examined.

Costs attributed to the "general public" included payments from programs such as Medicaid, Medicare, Indian Health Service, military, CHAMPUS (military dependents), and no-pay patients. We could not adequately define uninsured motorists' costs which could also be attributed to public costs.

Results

Observational surveys completed by the University of Alaska's Institute for Social and Economic Research showed that in the Year 2000, 62% of the front seat occupants of motor vehicles were wearing seat belts. In the Year 2001, 63% of the front seat occupants of motor vehicles were wearing seat belts. These statistically valid surveys represent the driving population of the state and are important when examining seat belt use percentages among motor vehicle crash victims who are injured, hospitalized, or merely involved in a crash.

According to Alaska DOT&PF data from 1998 through 2000, an annual average of 39,613 motor vehicle occupants were involved in traffic crashes, and approximately 62 of these occupants lost their lives each year.⁸ Of all the motor vehicle occupants involved in a crash, only 6% reported not wearing a restraint, 66% were wearing a restraint, and 28% had unknown restraint use (see Table 1). When all of the cases with documented restraint use were analyzed separately, 9% were reportedly not wearing a seat belt, while 60% of the fatalities were unrestrained.

Table 1
Alaska Seat Belt Use (DOT&PF Data)
1998, 1999, 2000 Combined and Averaged

| | All Motor Vehicle Occupants | All Occupants Where Seat Belt use Documented | All Fatals | Fatals Where Seat Belt use Documented | Major Injuries | Minor Injuries | No Injuries |
|-----------------------|-----------------------------|--|------------|---------------------------------------|----------------|----------------|-------------|
| No Restraint | 6% (7,641) | 9% | 54% (34) | 60% | 37% | 15% | 5% |
| Restraint Used | 66% (77,936) | 91% | 37% (23) | 40% | 49% | 74% | 65% |
| Unknown Use | 28% (33,263) | | 9% (5) | | 12% | 11% | 31% |
| <i>Annual Average</i> | 39,613 | | 62 | | | | |

The Alaska Trauma Registry provided additional information on the more seriously injured occupants after they were admitted to a hospital. Of all the motor vehicle occupant hospitalizations, 48% were not wearing a restraint, 43% were wearing a restraint, and 9% had unknown restraint use (see Table 2). When all cases with documented restraint use were analyzed separately, 53% were unrestrained, and of the fatalities who died in the hospital, 56% were unrestrained.

Table 2

**Alaska Trauma Registry Data
Hospitalizations
1996 - 1999 Combined**

| | All Motor Vehicle Occupant Hospitalizations | Cases with Seatbelt Use Documented | Fatals | Fatals with Seatbelt Use Documented |
|----------------|---|------------------------------------|----------|-------------------------------------|
| No Restraint | 48% (887) | 53% | 49% (30) | 56% |
| Restraint Used | 43% (790) | 47% | 39% (24) | 44% |
| Unknown Use | 9% (167) | 0% | 11% (7) | |

Another measure of severity used in this analysis was total number of hospital days for restrained and unrestrained occupants. An average of 2,672 days was spent in hospitals every year for motor vehicle occupant injuries in Alaska. Of the total hospital days where restraint use was documented, 58% of the patients had been unrestrained at the time of their crash and 42% were restrained (Table 3).

Table 3

**Hospital Days
1996 - 1999 Average**

| | Avg. Hospital Days per Year | % | % by "Known" Use |
|----------------|-----------------------------|-----|------------------|
| No Restraint | 1402 | 52% | 58% |
| Restraint Used | 1009 | 38% | 42% |
| Use Unknown | 261 | 10% | |

In 1994, the Federal Highway Administration published a technical report, *Motor Vehicle Accident*, and included the following lifetime injury costs by Abbreviated Injury Severity (AIS) score:

| <u>Severity</u> | <u>Descriptor</u> | <u>Cost per Injury</u> |
|-----------------|-------------------|------------------------|
| AIS 1 | Minor | \$ 5,000 |
| AIS 2 | Moderate | \$ 40,000 |
| AIS 3 | Serious | \$ 150,000 |
| AIS 4 | Severe | \$ 490,000 |
| AIS 5 | Critical | \$1,980,000 |
| AIS 6 | Fatal | \$2,600,000 |

When correlating the AIS scores with seat belt use in Alaska, 60% of the patients with the lowest score of AIS 1, were wearing restraints at the time of their crash. The most severely injured patients, having scores of AIS 5, had the lowest percentage of restraint use at 45%.

Post-hospitalization costs are substantial, but difficult to measure. The most severe non-fatal cases are discharged to "skilled nursing" facilities which typically require round-the-clock monitoring. Of the patients discharged to skilled nursing, 13 had been unrestrained and 6 were restrained during the motor vehicle crash. The hospital costs for these 19 patients before they were discharged were nearly \$1 million, of which 77% was derived from public sources. Unfortunately, it was impossible to track post-hospitalization costs.

Costs

The costs for hospitalized motor vehicle occupants in Alaska were analyzed by the source of payment data in the ATR. These costs are not considered to be complete, since some of the costs are billed by sources outside of the hospital, such as medical specialists, chronic care facilities, pharmacies, medical and prosthetic equipment companies, etc. Generally, costs were paid by one or more of the following sources: motor vehicle property and casualty insurance, private health and medical insurance, CHAMPUS insurance for military dependents, military branches, Medicaid, Medicare, IHS for Alaska Native beneficiaries, and workers compensation insurance.

The Alaska Department of Health and Social Services, Section of Community Health and EMS recently completed a research project that analyzed injuries among Medicaid-eligible youth ages 0-20.⁹ The report compiled hospital costs for various types of injuries for the years 1995-1999.

Motor vehicle occupant injuries are the most expensive injury category for Medicaid. During the four-year period, there were 83 Medicaid-eligible Alaskans who were 0-20 years old and involved in motor vehicle crashes.

The breakdown of the medical costs to treat these individuals included:

- The average cost per case was \$20,000.
- Average cost per hospital day was \$3,300.
- Average number of days in the hospital was 6 days per case.
- Total number of Medicaid patients was 83, with a total estimated cost of \$1.6 million.

For the years 1996 through 1999, an analysis of hospital costs documented in the ATR for motor vehicle occupant injuries was undertaken. Only 66% of the patients had medical costs reported in the ATR because several of the hospitals serving federal beneficiaries and a few of the public hospitals did not report costs associated with individuals. Of the cases where costs were reported, over \$22.2 million was spent on direct medical care. When extrapolating average costs per case, the four-year costs were:

- \$21.8 million for unrestrained occupants and
- \$15.8 million for restrained occupants.

When including the "unknowns," an additional \$6.1 million is added, for a total of \$43.6 million. Of the total hospital costs reported, 59% represented unrestrained occupants (see Table 4).

Table 4

Alaska MV Hospital Costs

1996 - 1999

| | Total Costs | Total Cases | Average Costs per Case | % of Total |
|-------------------|--------------|-------------|------------------------|------------|
| No Restraint Used | \$13,039,797 | 534 | \$24,419 | 59% |
| Restraint Used | \$9,177,849 | 460 | \$19,952 | 41% |

Of the total ATR costs for motor vehicle-related hospitalizations, 44% was paid by the general public through programs such as Medicaid, Medicare, Indian Health Service, military, CHAMPUS, and no-pay patients. Of this 44% paid by the public, 69% of the costs were for unrestrained occupants (see Table 5).

Table 5

**Public Costs for Alaska MV Hospitalizations
1996 - 1999**

| | Total Costs | Total Cases | Average Costs per Case | % of Total |
|-------------------|-------------|-------------|------------------------|------------|
| No Restraint Used | \$6,514,907 | 181 | \$35,994 | 69% |
| Restraint Used | \$3,226,035 | 263 | \$12,266 | 31% |

There is well over \$2.6 million dollars spent each year on beneficiaries of public programs who are hospitalized for motor vehicle-related injuries. This number excludes the very costly pedestrian and bicycle victims injured by motor vehicles.

Conclusions

A substantial body of research demonstrates that seat belt use greatly reduces the number of traffic crash-related fatalities and the severity of injuries. In general, the more severe the injury, the less likely it will be that the individual was buckled up. The *Alaska Seat Belt Cost Analysis* shows that restraint use or non-use also affects the number of hospitalizations, length of stay in the hospital, and the overall cost of hospitalizations for motor vehicle occupants involved in crashes.

The analysis also shows that 44% of motor vehicle crash-related hospital costs are borne by the citizens of Alaska. Close to 40,000 vehicle occupants are involved in traffic crashes each year in Alaska. More than \$2.6 million dollars is spent each year for beneficiaries of public programs who are hospitalized for motor vehicle related injuries. Thus, the decision to wear or not wear a seat belt is not just a matter of personal choice, but a decision that has economic implications for all Alaskans.

This study only analyzed hospitalization costs of vehicle occupants involved in crashes. For those suffering some types of injuries, including those to the brain and spinal cord, long-term care and rehabilitation costs vastly exceed the initial hospitalization costs. Thus, the total cost to the public is significantly higher than those documented in this study.

Fortunately, seat belt use in Alaska is on the rise. The most recent observed seat belt use survey found that belt use was 78.9% in 2003 up from 66% in 2002. Still, experience from other states and Canada suggests that the largest reductions in

fatalities, injury severity (and thus medical costs) do not occur until belt use rates reach the 90 percent range.¹⁰

Most frequently, those who refuse to buckle up also tend to exhibit other high-risk behaviors like speeding and driving while impaired. It is critical that all drivers and passengers use seat belts and child restraints, as appropriate, if hospital and other medical costs resulting from motor vehicle crashes are to be substantially reduced. Programs and policies that result in higher restraint use will reduce traffic crash fatalities as well as the severity of injuries and costs to individuals and to the taxpayers of Alaska.

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 - ² NHTSA, Status of Occupant Protection in America, Buckle Up America Report, Nov. 2001.
 - ³ USDOT&PF, News Release, July 17, 2003.
 - ⁴ Ibid.
 - ⁵ CDC, WISQARS, Injury Mortality Report, All Injury Deaths and Rates per 100,000 by State.
 - ⁶ NHTSA, Traffic Safety Facts 2001 – Occupant Protection, DOT&PF HS 809 474.
 - ⁷ Rice DP, MacKenzie EJ, et. al., Cost of Injury in the United States, Report to Congress 1989.
 - ⁸ Alaska Traffic Accidents, Annual reports from the Alaska Department of Transportation and Public Facilities.
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
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January 16, 2004

Memorandum

TO: Senator Con Bunde
FROM: Cherie Nienhuis 
Legislative Analyst
RE: Primary Safety Belt Laws

You asked about primary safety belt laws in other states. A safety belt law is primary when law enforcement officers are allowed to stop vehicles solely for safety belt violations. This type of law contrasts with secondary safety belt laws, which allow officers to cite safety belt violations only after stopping vehicles for other violations.

As of fall 2003, 20 states plus the District of Columbia have passed primary safety belts laws, and 29 states, including Alaska, have passed secondary safety belt laws.¹ New Hampshire does not have a safety belt law. According to a study completed for The National Safety Council, an estimated 12,177 motorists died since 1995 because of their states' failure to implement a primary safety belt law. The study estimates that, in Alaska alone, 43 lives could have been saved over the eight-year period had state lawmakers passed a primary safety belt law rather than a secondary one.

The Insurance Institute for Highway Safety publishes information about safety belt laws in each state, including whether they are primary (also called "standard"), and what the maximum fines are for first offenses. We include this information as Attachment B. We also include, as Attachment C, primary safety belt laws for three states whose laws changed from secondary to primary laws fairly recently.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

¹ Neil K. Chaudhary, PhD, David F. Preusser, PhD, and the Preusser Research Group, Inc., "Lives Lost by States' Failure to Implement Primary Safety Belt Laws," November 5, 2003. We include a copy of this publication as Attachment A.

**Lives Lost by States'
Failure to Implement Primary
Safety Belt Laws**

November 5, 2003

Prepared by:

Neil K. Chaudhary, PhD
David F. Preusser, PhD
Preusser Research Group, Inc.
Trumbull, CT

For:

The National Safety Council's
Air Bag & Seat Belt Safety Campaign

OBJECTIVE:

The purpose of this study is to estimate the number of lives lost due to the failure of states to pass primary enforcement safety belt laws. Primary laws allow officers to stop motorists based solely on an observed seat belt violation. Secondary laws allow officers to enforce the safety belt law if and only if the motorist is first stopped for some other violation. In 2002, eighteen states plus the District of Columbia had primary laws (see Table 1). Historically, safety belt use has been higher in "primary states" than in states without primary laws. Figure 1 shows primary versus secondary states based on standard National Highway and Traffic Safety Administration (NHTSA) approved observational studies.

Table 1.
Dates of Primary Law Enactment (Source: NTSB)

| State | Enacted | State | Enacted |
|----------------------|----------|----------------|----------|
| Alabama | 12/09/99 | Maryland | 10/01/97 |
| California | 01/01/93 | Michigan | 03/10/00 |
| Connecticut | 01/01/36 | New Jersey | 05/01/00 |
| Delaware* | 06/30/03 | New Mexico | 01/01/86 |
| District of Columbia | 10/01/97 | New York | 12/01/84 |
| Georgia | 07/01/96 | North Carolina | 10/01/85 |
| Hawaii | 12/16/85 | Oklahoma | 11/01/97 |
| Illinois* | 07/03/03 | Oregon | 12/07/90 |
| Indiana | 07/01/98 | Texas | 09/01/85 |
| Iowa | 07/01/86 | Washington | 04/02/02 |
| Louisiana | 09/01/95 | | |

* Law Changed in 2003

PROCEDURE:

The first step was to determine the likely increase in the safety belt use rate associated with the passage of a primary law. Three methods were used to establish convergent validity.

Effectiveness of Primary Law

State wide observations:

The first estimate used NHTSA verified statewide observations of day-time belt use rates. We compared rates for states with primary laws to states without primary laws for each year starting with

1995 and ending with 2002 (See Table 2). For this analysis, as well as all following analyses, data from the District of Columbia and Indiana were excluded. DC simultaneously implemented a primary law and applied more strict consequences for violation of the law (high fines and points to the license) making it difficult to attribute change in belt use to the primary law alone. IN implemented a primary law in 1999, which was soon after ruled unconstitutional, then reinstated some time later, making it difficult to set a specific date for the onset of the primary law.

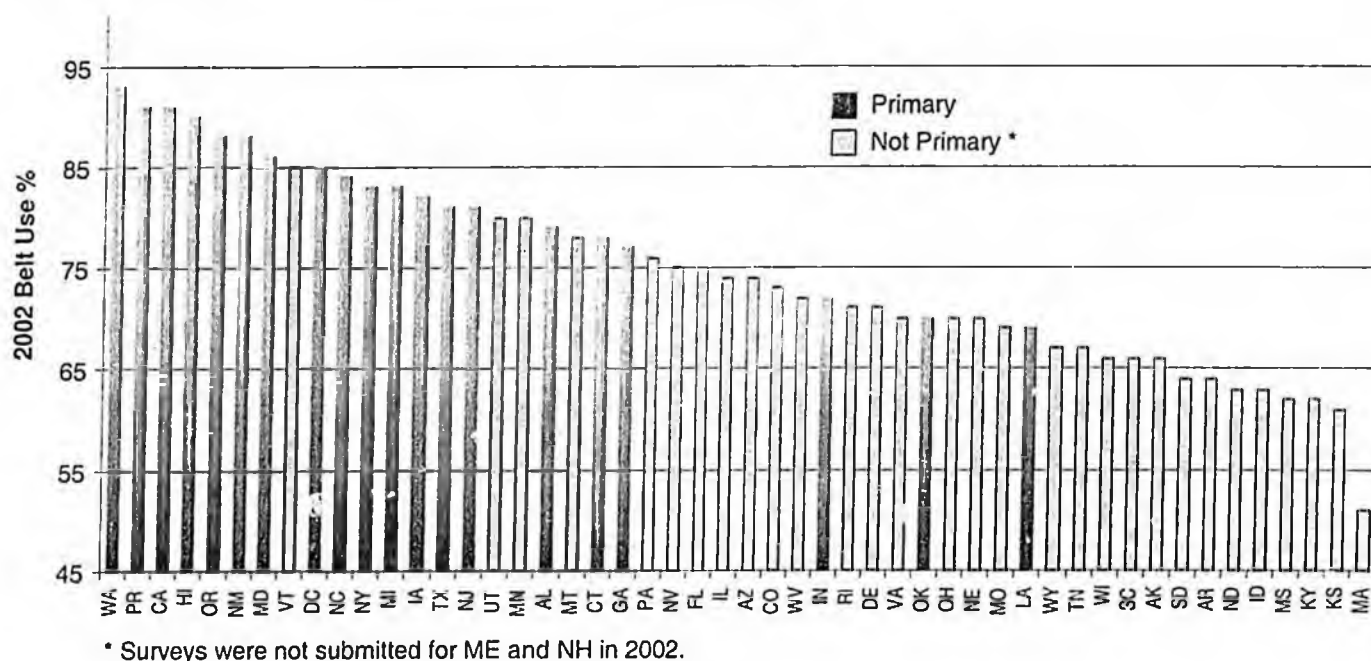


FIGURE 1. Belt use rates in 2002 (Data Source: NHTSA).

Table 2
Statewide Observed Belt Use 1995-2002 for Primary* Versus
Non-primary Law States

| | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | ALL |
|-------------|------|------|------|------|------|------|------|------|-----|
| Primary | 75% | 74% | 75% | 78% | 79% | 79% | 81% | 83% | 78% |
| not-Primary | 60% | 59% | 60% | 61% | 63% | 65% | 67% | 70% | 63% |
| Difference | 15% | 15% | 14% | 17% | 16% | 14% | 14% | 13% | 15% |

* Excludes DC & IN

The results indicate that front seat occupants in primary states are between 13 and 17 percentage points ($M = 15$) more likely to be properly restrained than those in non-primary states.

FARS data estimations:

The second estimate of the value of primary laws was based on NHTSA's Fatality Analysis Reporting System (FARS); a database of crashes that resulted in at least one fatal injury. Using FARS, we compiled the number of fatally injured front seat occupants, ages 16 and older, of passenger vehicles who were, and were not, wearing safety belts. Theoretically, the number of belted drivers is underrepresented in the FARS database. This is because the proper use of safety belts reduces fatalities preventing the crash from entering the database. Thus, to estimate the number of belted drivers in "Potentially Fatal Crashes" (PFCs) we use the NHSTA estimation that safety belts are 45% effective in reducing fatalities in PFCs for passenger cars and 60% effective for light trucks (including pickups, SUVs and vans). That is, we estimated the number of front seat occupants who were involved in PFC's by hypothesizing that the number of belted drivers who died is 55% of all the belted drivers involved in crashes serious enough to potentially cause a fatality. An additional number of drivers in PFC's did not die because they were wearing seat belts.

We established a percentage of front seat occupants who were belted, and unbelted, in PFC's (see Table 3). Using these estimates, we established that front seat occupants of vehicles involved in PFC's in states with primary laws have 15 percentage point higher belt use than persons in states without primary laws.

Within state estimations:

The third method was to compare observed belt use rates in those states that changed from secondary to primary. Two years of NHTSA verified statewide observed belt use rates prior to the law change for 8 states that changed their laws were compared to the two years after the law change. The year in which the law changed was excluded. The results indicated that observed belt use was, on average, 15 percentage points higher in the two years after than the two years before (see Table 4).

Table 3
Actual and Estimated Safety Belt use rates for Fatal, and
Potentially Fatal Crashes (Data Source: FARS 1995 – 2002)

| | | Primary* | | Not Primary | | Difference |
|------------------------------------|-------------------|----------|-------------|-------------|-------------|------------|
| | | N | Est. Belted | N | Est. Belted | |
| Passenger Cars | Unbelted Dead | 21520 | | 50630 | | |
| | Belted Dead | 27807 | | 33010 | | |
| | Est. Belted Alive | 22751 | | 27008 | | |
| | Est. Total PFCs | 72078 | 70% | 110648 | 54% | 16% |
| Light Trucks (Pickups, SUVs, Vans) | Unbelted Dead | 16381 | | 29320 | | |
| | Belted Dead | 9069 | | 9199 | | |
| | Est. Belted Alive | 13604 | | 13799 | | |
| | Est. Total PFCs | 39054 | 58% | 52318 | 44% | 14% |
| Combined | Unbelted Dead | 37901 | | 79950 | | |
| | Belted Dead | 36876 | | 42209 | | |
| | Est. Belted Alive | 36355 | | 40807 | | |
| | Est. Total PFCs | 106597 | 66% | 158366 | 51% | 15% |

* Excludes DC & IN

Table 4
Change in Statewide Observed Belt use Prior to and After Law Changes
(Data Source: NHTSA)

| | Years relative to Law Change | | | | | Difference |
|-------|------------------------------|-----|-----|-----|-----|------------|
| | -2 | -1 | 0 | 1 | 2 | |
| CA | 48% | 50% | 59% | 59% | 67% | |
| LA | 57% | 53% | 58% | 65% | 74% | |
| GA | 57% | 53% | 58% | 65% | 74% | |
| MD | 70% | 70% | 71% | 83% | 83% | |
| OK | 46% | 48% | 60% | 56% | 61% | |
| AL | 52% | 52% | 58% | 71% | 79% | |
| MI | 70% | 70% | 84% | 82% | 83% | |
| NJ | 63% | 63% | 74% | 78% | 81% | |
| | 58% | 57% | 65% | 70% | 75% | |
| Means | 58% | | | 73% | | 15 |

These analyses provided three estimates of effectiveness of primary laws. All three of the methods suggest that belt use was likely to have increased about 15 percentage points had a state adopted a primary safety belt law during the period included in this study (1995 – 2002).

RESULTS

For the present study, we estimate that belt use would have increased an average of 15 percentage points after implementation of a primary law over the 8 year period from 1995 – 2002. Using the estimated 15 percentage point gain in belt use by implementation of a primary law, we estimated how many front seat occupants of passenger vehicles (16 and older) died because their states did not implement a primary law. The estimated effectiveness of the safety belt is 45% for passenger cars and 60% for light trucks. We calculated that since 1995 an estimated 12,177 motorists died because of their states' failure to implement a primary law (see Table 5). The number killed was highest in 1995 and generally decreased in later years as more states switched to primary (See Figure 2). The estimated lives lost per state ranges from 33 in Rhode Island to 1333 in Florida (See Table 6).

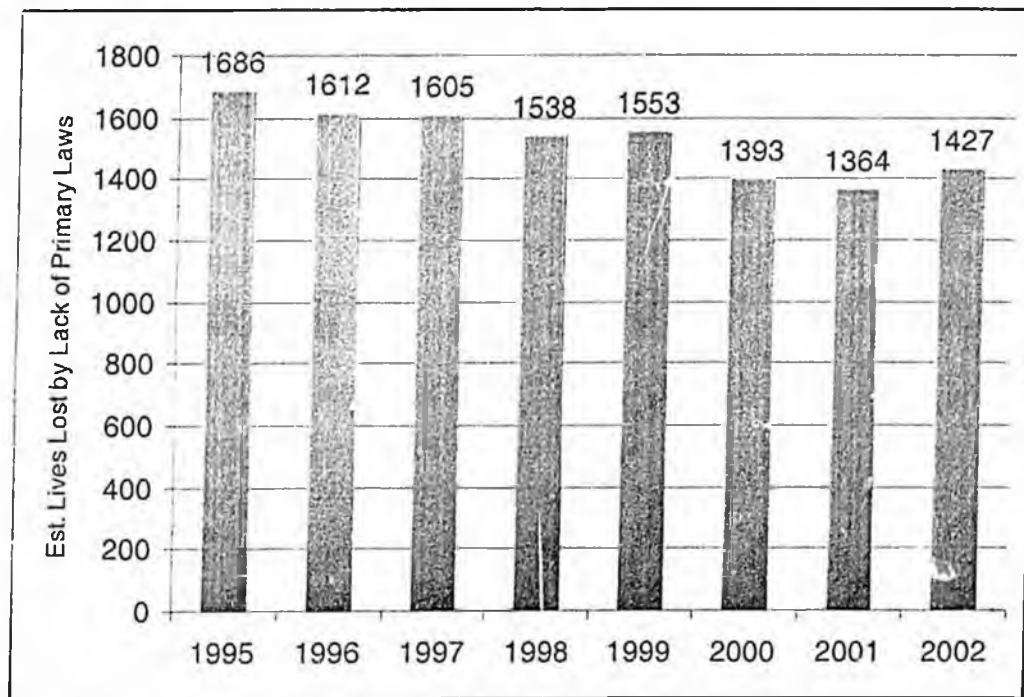


FIGURE 2. Est. Lives lost per year due to no primary enforcement safety belt law.

Table 5
Est. Lives Lost Due to Lack of Primary Laws (1995-2002)

| | States without Primary Laws | If Primary Law | Lives Lost |
|-----------------------|--------------------------------------|-------------------|--------------|
| Unbelted Dead | 79930 | 55505 | |
| Belted Dead | 42209 | 54477 | |
| Est. Belted Survivors | 40807 | 52984 | |
| Total Dead | 122159 | 109982 | 12177 |

CONCLUSION

Failure to implement primary laws in all states resulted in more than 12,000 lives were lost during the years 1995 - 2002. If the situation remains the same as in 2002, an estimated additional 1,400 motorists will be killed next year alone.

Table 6
Est. Lives Lost Due to Lack of Primary Laws by State (1995-2002)

| State | Est. Lives Lost | State | Est. Lives Lost |
|---------------|-----------------|----------------|-----------------|
| Alaska | 43 | Nevada | 169 |
| Arizona | 415 | New Hampshire | 60 |
| Arkansas | 316 | North Dakota | 50 |
| Colorado | 357 | Ohio | 732 |
| Florida | 1333 | Pennsylvania | 667 |
| Idaho | 143 | Rhode Island | 33 |
| Kansas | 247 | South Carolina | 525 |
| Kentucky | 482 | South Dakota | 73 |
| Maine | 96 | Tennessee | 675 |
| Massachusetts | 157 | Utah | 172 |
| Minnesota | 314 | Vermont | 47 |
| Mississippi | 481 | Virginia | 478 |
| Missouri | 579 | West Virginia | 205 |
| Montana | 135 | Wisconsin | 387 |
| Nebraska | 134 | Wyoming | 94 |

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ATTACHMENT B

SAFETY BELT USE LAWS

| State | Effective date | Standard enforcement? | Who is covered? In what seats? | Maximum fine 1st offense | Damages reduced for nonuse? |
|----------------------|----------------|------------------------|---|--------------------------|-----------------------------|
| Alabama | 7/18/91 | yes; effective 12/9/99 | 6+ yrs. in front seat | \$25 | no |
| Alaska | 9/12/90 | no | 16+ yrs. in all seats | \$15 | yes |
| Arizona | 1/1/91 | no | 5+ yrs. in front seat; 5 through 15 in all seats | \$10 | yes |
| Arkansas | 7/15/91 | no | 15+ yrs. in front seat | \$25 ^{1,2} | no |
| California | 1/1/86 | yes; effective 1/1/93 | 16+ yrs. in all seats | \$20 | no |
| Colorado | 7/1/87 | no | 16+ yrs. in front seat | \$15 | yes ³ |
| Connecticut | 1/1/86 | yes | 4+ yrs. in front seat | \$15 | no |
| Delaware | 1/1/92 | yes; effective 6/30/03 | 16+ yrs. in all seats | \$25 | no |
| District of Columbia | 12/12/85 | yes; effective 10/1/97 | 16+ yrs. in all seats | \$50 ¹ | no |
| Florida | 7/1/86 | no | 6+ yrs. in front seat; 6 through 17 yrs. in all seats | \$30 | yes |
| State | Effective date | Standard enforcement? | Who is covered? In what seats? | Maximum fine 1st offense | Damages reduced for nonuse? |
| Georgia | 9/1/88 | yes; effective 7/1/96 | 5 through 17 yrs. in all seats; 18+ yrs. in front seat | \$15 ⁴ | no |
| Hawaii | 12/16/85 | yes | 4 through 17 yrs. in all seats; 18+ yrs. in front seat | \$45 | no |
| Idaho | 7/1/86 | no | 4+ yrs. in all seats | \$25 | no |
| Illinois | 1/1/88 | yes; effective 7/3/03 | 6+ yrs. in front seat; all in all seats if driver is younger than 18 yrs. | \$25 | no |
| Indiana | 7/1/87 | yes; effective 7/1/98 | 4 through 11 yrs. in all seats; 12+ yrs. in front seat | \$25 | no |
| Iowa | 7/1/86 | yes | 6+ yrs. in front seat | \$10 | yes ³ |
| Kansas | 7/1/86 | no | 14+ yrs. in front seat | \$10 | no |
| Kentucky | 7/15/94 | no | more than 40 in. in all seats | \$25 | no |
| Louisiana | 7/1/86 | yes; effective 9/1/95 | 13+ yrs. in front seat | \$25 | no |
| Maine | 12/26/95 | no | 18+ yrs. in all seats | \$50 | no |

Standard Who is covered? In Maximum fine Damages reduced for

| State | Effective date | enforcement? | what seats? | 1st offense | nonuse? |
|---------------|----------------|---------------------------|---|-------------------|------------------|
| Maryland | 7/1/86 | yes; effective 10/1/97 | 16+ yrs. in front seat | \$25 | no |
| Massachusetts | 2/1/94 | no | 12+ yrs. in all seats | \$25 ⁴ | no |
| Michigan | 7/1/85 | yes; effective 4/1/2000 | 4+ yrs. in front seat; 4 through 15 yrs. in all seats | \$25 | yes ³ |
| Minnesota | 8/1/86 | no | all in front seat; 3 through 10 yrs. in all seats | \$25 | no |
| Mississippi | 7/1/94 | no (yes for children <8) | 4 through 7 yrs. in all seats/8+ yrs. in front seat | \$25 | no |
| Missouri | 9/28/85 | no (yes for children <16) | 4+ yrs. in front seat; 4 through 15 yrs. in all seats | \$10 | yes ³ |
| Montana | 10/1/87 | no | 6+ yrs. in all seats | \$20 | no |
| Nebraska | 1/1/93 | no | 16+ yrs. in front seat | \$25 | yes ³ |
| Nevada | 7/1/87 | no | 5+ yrs. in all seats | \$25 | no |
| New Hampshire | n/a | no law | no law | no law | no |

| State | Effective date | Standard enforcement? | Who is covered? In what seats? | Maximum fine 1st offense | Damages reduced for nonuse? |
|----------------|----------------|---------------------------|--|----------------------------|-----------------------------|
| New Jersey | 3/1/85 | yes; effective 5/1/2000 | 7 yrs. and younger and more than 80 lbs.; 8 through 17 in all seats; 18+ in front seat | \$20 | yes |
| New Mexico | 1/1/86 | yes | 18+ yrs. in all seats | \$25 ¹ | no |
| New York | 12/1/84 | yes | 16+ yrs. in all seats | \$50 ¹ | yes |
| North Carolina | 10/1/85 | yes | 16+ yrs. in front seat | \$25 | no |
| North Dakota | 7/14/94 | no | 18+ yrs. in front seat | \$20 | yes |
| Ohio | 5/6/86 | no | 4+ yrs. in front seat | \$30 driver/\$20 passenger | yes |
| Oklahoma | 2/1/87 | yes; effective 11/1/97 | all in front seat | \$20 | no |
| Oregon | 12/7/90 | yes | 16+ yrs. in all seats | \$75 | yes |
| Pennsylvania | 11/23/87 | no | 8 through 17 yrs. in all seats; 18+ yrs. in front seat | \$10 | no |
| Rhode Island | 6/18/91 | no (yes for children <13) | 7+ yrs. in all seats | \$57 | no |

| State | Effective date | Standard enforcement? | Who is covered? In what seats? | Maximum fine 1st offense | Damages reduced for nonuse? |
|----------------|----------------|---|--|--------------------------|-----------------------------|
| South Carolina | 7/1/89 | no (yes for children <18 yrs.) ⁵ | 6+ yrs. in front seat; 6+ yrs. in rear seat with shoulder belt | \$10 | no |
| South Dakota | 1/1/95 | no | 5+ yrs. in front seat | \$20 | no |
| Tennessee | 4/21/86 | no | 4+ yrs. in front | \$10 | no |

| State | Effective Date | Requirement | Age Group | Fine | Points |
|---------------|----------------|--------------------------------|--|---|------------------|
| Texas | 9/1/85 | yes | 4 through 16 yrs. in all seats; 17+ yrs. in front seat | \$200 | no |
| Utah | 4/28/86 | no (yes for children <19 yrs.) | 16+ yrs. in all seats | \$45 | no |
| Vermont | 1/1/94 | no | 16+ yrs. in all seats (eff. 1/1/04) | \$25 (eff. 1/1/04) | no |
| Virginia | 1/1/88 | no | 16+ yrs. in front seat | \$25 | no |
| Washington | 6/11/86 | yes; 7/1/2002 | all in all seats | \$37 | no |
| West Virginia | 9/1/93 | no | 9+ yrs. in front seat; 9 through 17 yrs. in all seats | \$25 | yes ² |
| Wisconsin | 12/1/87 | no | 4+ yrs. in front seat; 4 through 15 yrs. in rear seat with shoulder belt | \$10 | yes ³ |
| Wyoming | 6/8/89 | no | 5+ yrs. in all seats | \$25 ² driver/\$10 passenger | no |

¹These states assess points for violations.

²Arkansas and Wyoming reward belt use by reducing the fine for the primary violation by \$10.

³Under the safety belt defense, Wisconsin allows a maximum 15 percent damage reduction (in Missouri, a maximum 1 percent). In 3 states (Iowa, Michigan, and Nebraska), the damage reduction may not exceed 5 percent. In Colorado, damages may be reduced for pain and suffering only, not economic or medical losses. In West Virginia, an award for medical expenses only may be reduced by no more than 5 percent.

⁴In Georgia, the maximum fine is \$25 if the child is 5-18 yrs. Drivers in Massachusetts may be fined \$25 for violating the belt law themselves and \$25 for each unrestrained passenger 12-16 yrs.

⁵Police are prohibited in South Carolina from enforcing safety belt laws at checkpoints designed for that purpose. However, safety belt violations may be issued at license and registration checkpoints.

Child Restraint, Belt Laws main page

- Tables:**
Child Restraint Laws
Children Not Covered by Safety Belt or Child Restraint Laws



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For Immediate Release, November 17, 2003
 Contact: John Chambers at 202.338.8700 or 202.285.0448 (cell)

AS NATIONWIDE SEAT BELT CRACKDOWN BEGINS, NEW DATA UNDERSCORES DEADLY IMPACT OF FAILURE TO ADOPT PRIMARY SEAT BELT LAWS

More than 12,000 Deaths Since 1995 Because States Have Failed To Enact Primary Enforcement Seat Belt Laws Proven To Increase Belt Use

Washington, D.C. - As more than 12,000 law enforcement agencies begin a nationwide crackdown to enforce seat belt and child passenger safety laws this Thanksgiving holiday, a new study shows that more than 12,000 people have needlessly died due to the failure of states to follow a 1995 National Transportation Safety Board recommendation to enact primary enforcement seat belt use laws. Today, the NTSB reissued that call to states.

"A primary seat belt law is likely to save more lives than possibly any single piece of legislation a state will consider," said NTSB Chairman Ellen G. Engleman. "It is why the Safety Board recommended states adopt these laws in 1995, and why we continue to urge enactment of these laws as a safety priority. It is tragic that 30 states have failed to act to implement this safety countermeasure that costs nothing, but could save so many."

Primary seat belt laws enable law enforcement officers to ticket motorists based solely on an observed seat belt violation, just as they do any other motor vehicle law. Primary laws cover 60 percent of the U.S. population. Currently, 29 states have secondary laws (New Hampshire does not have an adult seat belt law), which means officers can only enforce the seat belt law if the motorist is first stopped for some other violation such as speeding.

According to the study released today by the National Safety Council, states that have enacted primary laws since 1995 on average experienced a 15-percentage point increase in belt use. Seat belts are proven to reduce the risk of serious injury or death in a crash by 45 percent, and the study shows 12,177 lives have been lost since 1995 because 30 states have failed to enact the stronger laws.

"We have a vaccine for the leading cause of death for Americans from ages two through 33 - safety belts. Primary safety belt laws are our most effective public policy tool," said Jeffrey W. Runge, M.D., Administrator for the National Highway Traffic Safety Administration. "If all states moved right now to enact them, 1,400 more lives could be saved next year alone in preventable traffic injury."

On November 13, 2003, Chairman Engleman on behalf of the NTSB sent a letter to the governors and legislative leadership of the 29 states with secondary laws and New Hampshire, reminding them of the Safety Board's recommendation and encouraging them to step-up their efforts to enact a primary law in their state.

The national Click It or Ticket Mobilization, which runs from November 17 - 30, is based on a public health model proven to increase belt use, and places specific emphasis on teens and young adults who are least likely to buckle up and most likely to die in a traffic crash.

According to NHTSA, nearly 4,530 teens and young adults, ages 16-19, died in traffic crashes last year and thousands more were injured. Of the 32,519 people killed in crashes in 2002, nearly 60 percent were not wearing a safety belt.

Also see:

- [Lost Lives by States'](#) (pdf; 182kb)
- [Participating Law Enforcement Agencies](#) (MS Word; 135kb)

If the situation remains the same as in 2002, the study, conducted by Neil K. Chaudhary and David F. Preusser of PRG Research Group, Inc., estimated an additional 1,400 motorists will be killed next year alone. (State-by-state results are available online, at www.nsc.org)

"Law enforcement officers all over this country are doing a great job saving lives through seat belt enforcement, but in 30 states they are doing it with one hand tied behind their back," said Chuck Hurley, Executive Director of the National Safety Council's Air Bag & Seat Belt Safety Campaign. "We would be saving far more lives if state legislators in the states with secondary laws would respond to the overwhelming majority of voters who support primary laws."

A national survey of 800 Americans conducted by Public Opinion Strategies for the Air Bag & Seat Belt Safety Campaign in May, 2003, showed people in states with secondary laws support enactment of primary laws in their states by a 2-to-1 margin.

"It's especially tragic that teens and young adults are suffering the most as a result of this government inaction," added Hurley. This year, Illinois and Delaware became the 19th and 20th states to pass a primary law respectively.

"At the Naval Safety Center, our job is to look out for all our Sailors, Marines, and civilians," said RADM Brooks. "It's our priority to ensure as safe a working environment as possible, to identify the hazards we all face in both our professional and personal lives, to educate everyone in the vital importance of risk management in everything we do, and to improve readiness. Across our force it's up to the leaders of every Navy and Marine Corps command to promote awareness and set the example, for traffic safety truly is a matter of life and death."

During the Mobilization, law enforcement officers will intensify enforcement of seat belt and child passenger safety laws by setting up checkpoints or saturation patrols across the country. Seat belt violators and drivers failing to restrain their child passengers will be ticketed.

Thanksgiving is one of the most dangerous holidays for motorists. The National Safety Council predicts that 544 people will die and 28,300 people will suffer disabling injuries resulting from traffic crashes during the Thanksgiving holiday period.

"Thanksgiving is a joyous holiday for many Americans, but it is also traditionally one of the deadliest on the roadways," said Lynne Goughler, Vice President of Public Policy at Mothers Against Drunk Driving. "Impaired driving and lack of safety belt usage are the leading killers in automobile crashes, especially during the holiday season."

Mobilizations are conducted twice yearly by the Air Bag & Seat Belt Safety Campaign of the National Safety Council in conjunction with law enforcement agencies, state highway safety offices, NHTSA, the National Transportation Safety Board and MADD. Following the Mobilization in May, 2003, national belt use reached a record high of 79 percent, according to NHTSA.

The Air Bag & Seat Belt Safety Campaign, a program of the National Safety Council, is a public/private partnership of automotive manufacturers, insurance companies, child safety seat manufacturers, government agencies, health professionals and child health and safety organizations. The goal of the Campaign is to increase the proper use of safety belts and child safety seats and to inform the public about how to maximize the lifesaving capabilities of air bags while minimizing the risks.

For additional information about the National Safety Council, visit www.nsc.org.

The National Safety Council is a nonprofit, nongovernmental, international public service organization dedicated to protecting life and promoting health. Members of NSC include more than 45,000 businesses, labor organizations, schools, public agencies, private groups and individuals. Founded in 1913, and chartered by the U.S. Congress in 1953, the primary focus of the NSC is preventing injuries in workplaces,

in transportation and in homes and communities.

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National Safety Council

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November 25, 2003

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February 11, 2004
(Senate)

STATEMENT OF ADMINISTRATION POLICY
S. 1072 - Safe, Accountable, Flexible, and Efficient Transportation Equity Act
(Senator Inhofe (R) Oklahoma and 3 cosponsors)

The Administration supports enactment of a six-year highway, highway safety, and transit authorization bill and procedural efforts that would limit consideration of extraneous amendments and bring the bill to an up or down vote. Such a multi-year authorization would provide States and localities with predictable funding that enhances long-term transportation planning. The Administration's proposal, as modified by the President's FY 2005 Budget, would provide \$256 billion over six years, an historically high level of investment for highways and transit. This proposal represents a \$45 billion, or 21 percent, increase over the Transportation Equity Act for the 21st Century (TEA-21), the six-year bill enacted in 1998.

The Administration believes that surface transportation reauthorization legislation should exhibit spending restraint and adhere to the following three principles: (1) transportation infrastructure spending should not rely on an increase in the gas tax or other Federal taxes; (2) transportation infrastructure spending should not be funded through bonding or other mechanisms that conceal the true cost to Federal taxpayers; and (3) highway spending should be financed from the Highway Trust Fund, not the General Fund of the Treasury. All spending for highways should be authorized and appropriated from the Trust Fund and derived from taxes imposed on highway use, thereby maintaining the link between Trust Fund revenues and highway spending.

However, the bill pending before the Senate authorizes: \$262 billion on highways and highway safety, which is \$50 billion above the President's request, and \$56 billion on mass transit, which is \$12 billion above the President's request. In total the Senate bill authorizes \$318 billion in spending on highways, highway safety, and mass transit over the next six years, a full \$62 billion above the President's request for the same period.

The Administration's proposed authorization level of \$256 billion over six years is consistent with the three principles listed above. We support a responsible six-year bill and support many of the provisions contained in this legislation. However, we oppose S. 1072 and the pending substitute because their spending levels are too high and they violate these principles discussed above. Accordingly, if legislation that violates these principles (such as this legislation, which authorizes \$318 billion) were presented to the President, his senior advisors would recommend that he veto the bill.

In addition, the Administration opposes inclusion in a surface transportation bill of unrelated provisions regarding Amtrak. Any legislation regarding the future of Amtrak should be considered separately and should provide for meaningful reforms, such as those proposed by the Administration. If surface transportation legislation containing such provisions were presented to the President, his senior advisors would recommend that he veto the bill.

The Administration wants to work closely with Congress to achieve an acceptable bill and recommends attention to the following areas.

Safety. The Administration appreciates the creation of a new Highway Safety Improvement Program (HSIP) and a strong safety belt incentive program, but believes the bill should also require States that have not enacted primary safety belt laws or achieved safety belt use rates of 90 percent to spend no less than 10 percent of core highway safety construction HSIP funds on behavioral safety projects eligible under the Section 402 program. In addition, the Administration opposes limiting a State's flexibility to use HSIP funds by requiring mandatory set-asides for rail-highway grade crossings or safe routes to schools. The Administration believes that several programs of the National Highway Traffic Safety Administration (NHTSA) should be consolidated and a portion of those funds should be used to reward States that aggressively reduce fatalities in the manner proposed by Section 2001(a) of the Administration's proposal. Also, language similar to that included in the Administration's proposal on providing for NHTSA-administered highway safety data grants should be added to help States improve their data to reasonable standards.

Environmental Provisions. The Administration opposes substantially broadening the list of eligible projects for Congestion Mitigation and Air Quality (CMAQ) funding because many of these new projects would have minimal air quality benefits. Eligibility for CMAQ funds should be limited to projects that achieve air quality benefits, particularly because the number of Clean Air Act nonattainment areas, which need this type of funding, will increase. The Administration believes that the bill should improve project delivery while protecting our environment. The bill should include a 180-day statute of limitations for legal challenges following final agency approval of highway and transit projects. This limit is necessary to reduce litigation uncertainty that can impede project development for years. The bill should also avoid adding new requirements to the transportation planning process, and integrate the transportation planning process with other environmental review processes to reduce redundancies.

With respect to project review under the National Environmental Policy Act, the bill should clarify the authority of State and local governments to be joint lead agencies, with the U.S. Department of Transportation, in preparing environmental documents. The Administration also notes that section 1511 is inconsistent with the President's proposal in SAFETEA, and encourages the Senate to adopt the President's proposal.

The Administration also believes that the bill should clarify standards pertaining to public park and recreation lands, wildlife and waterfowl refuges, and historic sites -- commonly referred to as "Section 4(f)." A clarification of the Section 4(f) definition of "prudent" is needed to forestall confusing standards applied unevenly by the Federal Courts of Appeals. In addition, the bill should address the overlap between Section 4(f) and Section 106 of the National Historic Preservation Act to decrease project delays and uncertainty.

In addition, the Administration believes that the bill should not include a mandatory two percent set-aside from the Surface Transportation Program (STP) to support a highway stormwater discharge mitigation program. Stormwater discharge mitigation costs are already eligible under STP.

New Regulatory Mandates. The Administration strongly opposes the numerous

mandated rulemakings for NHTSA and the FMCSA. These provisions predetermine timetables and outcomes without adequate grounding in science, engineering and proof of net safety benefits. By prescribing specific requirements and mandating priorities, these provisions will delay or interfere with ongoing safety initiatives and may have the unintended consequence of redirecting agency resources away from programs that will do more overall good for safety. The Administration also objects to the inclusion of: (1) costly and burdensome provisions of the bill requiring FMCSA to issue medical certificates to 6.5 million commercial drivers while limiting the performance of medical examinations to physicians alone; and (2) the bill's expansion of hours-of-service safety exemptions.

Financing and Freight Mobility. The Administration appreciates the bill's expansion of the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program by lowering the project threshold and broadening the list of eligible projects to include freight projects. However, the Administration opposes removing the TIFIA program requirement that a borrower have a dedicated source of revenue for repaying its TIFIA loan. Likewise, the Administration opposes allowing railroads to use Federal grants to pay the credit risk premium or repay Railroad Rehabilitation and Improvement Financing loans.

The Administration supports amending the bill to give States the ability to manage congestion and raise additional revenue by allowing drivers of single occupant vehicles to use High Occupancy Vehicle lanes by paying tolls. The Administration also supports amending the bill to provide States flexibility to implement variable tolls on interstates for congestion management or air quality improvement purposes. In addition, the Administration supports amending the bill to incorporate the Administration's proposal to amend the Internal Revenue Code to permit the issuance by State and local governments of "private activity bonds" for highways and surface freight transfer facilities.

Public Transportation Programs. Aside from concerns about overall funding levels, the Administration is pleased that the bill includes provisions to improve human service transportation coordination and expand the "New Starts" program, but is disappointed by the omission of a performance incentive program to reward transit agencies based on increases in transit ridership.

Accountability and Oversight. The Administration is pleased that the bill includes stringent project management and financial plan requirements which were requested by the Administration. Improved accountability and focused oversight by the Federal Highway Administration will help maximize the effective use of available funds.

Funding Firewalls and Guarantees. The Administration supports a separate category or "firewalls" for determining the level of spending from the Highway Trust Fund, but only in the context of the Administration's proposal for annual statutory limits on discretionary spending. In addition, the Administration does not propose the creation of "firewalls" for general fund spending on such critical areas as defense and homeland security, and therefore opposes such treatment for general fund spending on mass transit programs.

Byrd Test Change. The Administration opposes weakening the Byrd Test to compare spending authority to current resources plus four years, rather than two years, of estimated future revenue. The Byrd Test was established at the creation of the Highway Trust Fund in 1956 to

ensure that future revenues would be sufficient to cover outstanding spending authority. The Byrd Test has been successful in ensuring the Highway Trust Fund's solvency for nearly 50 years, and modification could allow levels of spending that cannot be sustained by estimated revenues to the Highway Trust Fund.

Park Roads. The Administration supports the funding level for park roads, but opposes the provisions of section 1806 of the bill that establish a park funding priority system that would reduce the Administration's ability to implement the President's Park Legacy Program. Allocation of park road funding should be consistent with the sound asset management approach on which the President's Park Legacy Program is based and which is currently used by the National Park Service, in a manner that will best address the needs of all parks, not just a few.

Cross-Border Transportation. The Administration opposes the bill's provisions defining foreign trucks and buses engaged in the cross-border transportation of cargo and passengers into the United States as "imports." Existing statutory provisions already address cross-border transportation safety, and the revised definition would significantly disrupt the almost \$2 billion daily cross-border movement of goods.

MAGLEV. The Administration opposes the continued authorization of funding for Magnetic Levitation Transportation Technology Deployment (MAGLEV). The Administration's SAFETEA proposal did not seek funding for MAGLEV and believes funds can be better spent investing in the Nation's public transportation systems.

Budget Estimates and Enforcement

This bill would affect direct spending and receipts. It is critical to exercise responsible restraint over Federal spending in a manner that ensures deficit reduction and the Administration looks forward to working with Congress to control the cost of this bill. The Budget Enforcement Act's pay-as-you-go requirements and discretionary spending caps expired on September 30, 2002. The President's FY 2005 Budget includes a proposal to extend the discretionary caps through 2009, a pay-as-you-go requirement that would be limited to direct spending, and a new mechanism to control the expansion of long-term unfunded obligations. OMB's cost estimate of this bill currently is under development.

* * * * *



State of Alaska
Department of
Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

February 18, 2004

The Honorable Con Bunde
Alaska State Senate
State Capitol, Room 506
Juneau, AK 99801

Dear Senator Bunde:

As I have previously discussed with you, I support the implementation of primary seat belt legislation in Alaska. My support is based on twenty-six years of service as an Alaska State Trooper where I personally investigated a large number of motor vehicle crashes resulting in serious injury or death. Without question, seat belts save lives.

As Commissioner of Public Safety, I am committed to doing all that is reasonable to ensure the safety of all Alaskans. Primary seat belt legislation would provide a viable means for law enforcement to ensure compliance with seat belt regulations and thereby reduce the incidents of serious injury or loss of life.

I believe that primary seat belt legislation and ongoing education efforts are excellent strategies to reduce the alarming number of serious injuries or deaths on our highways. If the Department of Public Safety can be of assistance to you in your legislative endeavors, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "William Tandeske".

William Tandeske
Commissioner



ANCHORAGE POLICE DEPARTMENT MEMORANDUM

Date: February 19, 2004
To: Senator Con Bunde
From: Captain Ross Plummer Patrol Division
Subject: Seatbelt Law

The Anchorage Police Department in conjunction with State and local law enforcement agencies has the responsibility to protect the public. At times this task is difficult and often compounded by inadequate laws. Anchorage Police Department is contributing to public safety by enforcing the existing occupant protection laws within our jurisdiction. Officers are far too familiar with the often tragic results of not wearing safety belts during a collision. The loss of lives and injuries sustained in our city are far too many.

National studies show seat belts save lives. The Anchorage Police Department is dedicated in the fight to save lives. A primary seat belt law would assist in our efforts to help make our streets safer. At this time Officers are unable to stop drivers who choose not to wear a safety belt. The new proposed seat belt law will enable officers to stop and cite violators. This will help save lives by encouraging more people to wear safety belts. The Anchorage Police Department has dedicated resources to a new traffic unit and believes this bill will allow officers to make a difference in lowering our fatalities and decreasing injuries within the city of Anchorage.

During 2002 there were 36 vehicle fatalities in the city of Anchorage. During 2003 Anchorage Police Department worked with the National Highway Transportation and Safety Office to proactively increase seat belt usage in the state of Alaska. During 2003 Anchorage increased seatbelt use by 13%. This is the highest increase in the nation. Our compliance rate is now over 85%. In 2003 our fatalities went down 13% from 36 to 23. One must ask if this is coincidental or correlated to the increased enforcement.

In the last quarter of 2003 there were 4 fatalities that could have been prevented if the driver would have been wearing a seatbelt. Having a primary seatbelt law will not ensure that everyone will wear them but the possibility of saving one life is something worthy of acknowledgement.

The Anchorage Police Department supports this bill and all efforts towards saving lives and making our streets safer.



Mayor Mark Begich

Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • 825 "L" Street • <http://www.muni.org>



Department of Health and Human Services

February 23, 2004

Senator Con Bunde
State Capitol, Room 506
Juneau, AK 99801-1182

Subject: Primary Seatbelt Law, SB 316

Dear Senator Bunde,

The Municipality of Anchorage, Department of Health and Human Services strongly supports the primary seatbelt law because it can save more lives by increasing the Alaska use rate to 90%. A seatbelt law already exists but this bill would lift the restriction for public safety officers to pull a motorist over for not wearing a seatbelt.

We know from the Alaska Trauma Registry that 84% of the belted occupants in crashes walked away uninjured compared with only 60% of the unbelted occupants. In a ten year period, the patients who were not buckled up at the time of the crash were almost twice as likely to sustain a serious head injury and over one and a half times more likely to be discharged with a permanent disability. One in three of these people billed a government program for their hospital care and the cost to a rehabilitation or skilled nursing facility. A permanent disability, especially head trauma and brain damage, which many of the injuries are, can cost Medicaid millions of dollars per patient. With a decrease in crashes and injuries, the state can reduce the financial burden for emergency response, public safety officers, hospitalization, rehabilitation and legal expenses.

It has been 12 years since a seatbelt law was first introduced in Alaska. Twenty states and DC have passed a primary seatbelt law and it is time for Alaska to get the benefit of this public health policy.

Sincerely,

A handwritten signature in cursive script that reads "Joan Diamond".

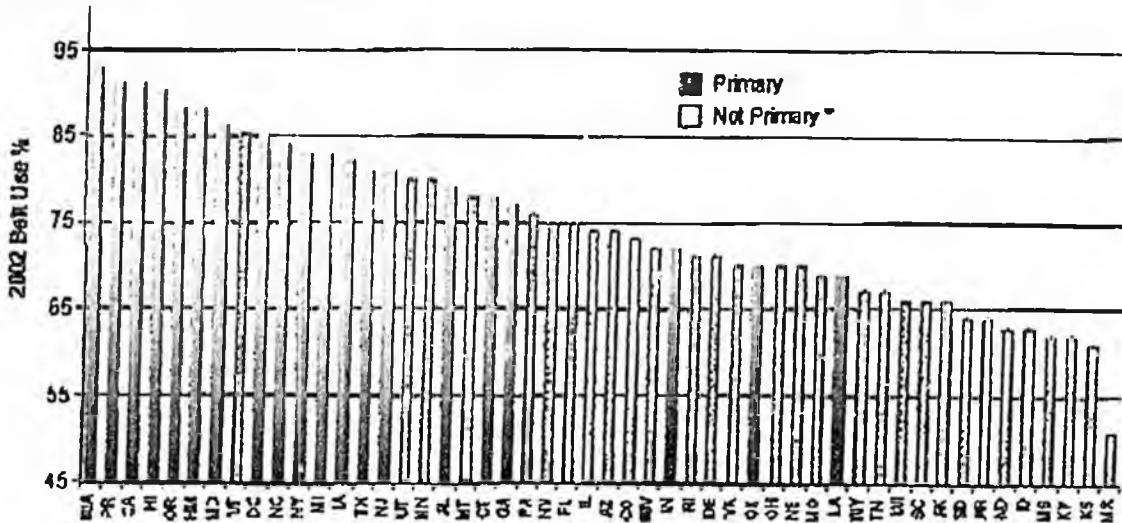
Joan Diamond
Municipality of Anchorage
Department of Health and Human Services
Injury Prevention

Community, Security, Prosperity

Dear Senator Bunde,

Thank you for introducing SB316.

The following graph clearly illustrates the effectiveness of primary seat belt laws in the nation.



* Surveys were not submitted for ME and NH in 2002.

FIGURE 1. Belt use rates in 2002 (Data Source: NHTSA).

According to statistics provided by the National Highway Transportation Safety Administration (NHTSA), up to 50% of those who die in car crashes in which seat belts were (not) used might have survived if they had been. For example... here in Alaska last year we lost 32 people who were not using seatbelts. Half (16 Alaskans) might have been saved IF ONLY THEY HAD BUCKLED UP!

Considering this potential for saving lives on Alaska's highways the Fairbanks Chapter of MADD supports primary seat belt enforcement.

Sincerely,

Al Near

Al Near

vice-president

MADD Fairbanks Chapter

2/18/2004

**Alaska Injury
Prevention Center**



Alaska Injury Prevention Center

PO Box 210736

Anchorage, AK 99521-0736

Tel. 907-929-3941

FAX 907-929-3940

Email: asc1@alaska.net

February 18, 2004

Senator Con Bunde
State Capitol, Room 506
Juneau, AK 99801-1182

Dear Senator Bunde,

I would like to take this opportunity to offer my expertise and experience in support of SB 316. I recently completed a study funded by a non-profit group called the Automotive Coalition for Traffic Safety. This research project, *Alaska Seat Belt Cost Analysis*, compiled and analyzed the hospital costs associated with seat belt use in Alaska. The research is already getting statewide recognition as an argument to be used for primary enforcement of seat belt laws. The study shows that from 1996 through 1999, medical costs for unbelted occupants totaled more than \$13 million dollars of which, 50% were paid with public funds. I've attached a copy of the Executive Summary for your use.

Fairbanks was the first city in Alaska to pass an ordinance giving police the authority to stop someone for not wearing a seat belt - primary enforcement. There was considerable public backlash over the new ordinance and it was eventually repealed, but the fine for the existing law was significantly increased. Anchorage was also considering a similar municipal ordinance that would allow primary enforcement of seat belt use within the city limits and asked for a copy of the research findings.

Alaska was recently chosen by the National Highway Traffic Safety Administration as one of 13 states to receive special initiatives to reduce our DUI deaths, and to increase our seat belt usage. At 79%, Alaska's seat belt usage rate has improved tremendously over previous years, but there are still a significant number of non-users in the state. If we are able to get a primary enforcement law passed, we would expect to see the seat belt usage rate climb to around 90%.

As the evaluator for the recent Click It or Ticket enforcement campaigns, we conducted random telephone surveys on 1,600 Anchorage residents. One of the questions asked if they were in favor or opposed to police stopping someone for not wearing a seat belt. Sixty-seven (67%) percent said they were in favor of such a law.

I hope this helps,

Ron Perkins, MPH
Executive Director, AIPC



Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

February 18, 2004

Senator Con Bunde
State Capitol Building, room 506
Juneau, Alaska 99801-1182

Re: Senate Bill 316, "An Act relating to motor vehicle safety belt violations."

Dear Senator Bunde,

Mothers Against Drunk Driving (MADD) supports Senate Bill 316. MADD advocates increase use of occupant protection for all motor vehicle drivers and passengers and recognizes the need for publicized, enforce safety belt and child seat laws as a major defense against alcohol-and other drug-impaired drivers. A seat belt is our best defense against drunk driving.

Studies have found that states which pass a primary seat belt law increase their average seat belt usage by nine to fourteen percentage points. This in turn, decreases crash fatalities by an average of eight percent and decreases the severity of injuries in crashes.

Seat belts are proven to reduce the risk of serious injury or death in a crash by forty five percent, and a study shows 12,177 lives have been lost since 1995 because 30 states, including Alaska, have failed to enact a primary seat belt law.

Some argue that they should be able to choose not to wear a seat belt. However, seat belt use is the law already. Additionally, the decision to wear a seat belt affects those too young to make a conscious choice.

Adults who do not buckle up are sending a message to children that it is all right not to use seat belts-the probability of a fatally injured child being unrestrained is more than twice as likely when the adult driving was unrestrained.

85 percent of the costs of crashes are borne by society, not by the individuals in the crash. Considering that a crash costs 55 percent more when a crash victim is unbelted, we have a financial imperative to enact primary seat belt law, in addition to the moral and ethical imperatives.

Sincerely,

Cindy Cashen
Executive Director



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Bill Graves Chief Executive Officer
President

February 13, 2004

The Honorable Frank Murkowski
Governor of Alaska
Office of the Governor
State Capitol
P.O. Box 110001
Juneau, AK 99811-001

DEPARTMENT OF PUBLIC SAFETY
JUNEAU, ALASKA

FEB 23 2004

COMMISSIONER'S OFFICE

Dear Governor Murkowski,

While the National Highway Traffic Safety Administration (NHTSA) has reported that safety belt usage among passenger vehicle drivers has risen to an all-time high of 79 percent, the news is not as positive among our nation's truck drivers.

Recently the U.S. Department of Transportation (DOT) released a new national study that found only 48 percent of truck drivers wear safety belts. In 2002, 588 truck drivers lost their lives in crashes. Half of them were not wearing their safety belts. Of the 171 drivers that were ejected from their trucks, 80% hadn't buckled up. We can, and must, do a better job to help save lives on our roads.

As the national trade association that actively promotes highway safety while representing every type and class of motor carrier in the trucking industry, the American Trucking Associations (ATA) is concerned that the usage rate among truck drivers falls well short of the nationwide average among passenger vehicle drivers. Along with the Alaska Trucking Association, Inc., I'm writing to ask for your assistance.

According to the NHTSA, states with primary safety belt laws have usage rates about 8 percentage points better than states with secondary enforcement laws. I strongly urge you to be the champion for a primary safety belt law in your state by seeking legislative action as soon as the opportunity arises. Doing so will make a real difference. As a former Governor, I understand the difficult task that I'm asking you to undertake, however, by doing so you will be directly responsible for helping to save lives in Alaska.

February 11, 2004

TO: Lauren Wickersham – Senator Bunde's Office

FROM: Don Smith – Alaska Highway Safety Office

PRIMARY SAFETY SEAT BELT LAW

Primary enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger. Secondary enforcement, which is what Alaska has now, means that a citation for not wearing a safety belt can be written only after the officer stops the vehicle or cites the offender for another infraction

A primary seat belt law will not only save lives and reduce injuries in Alaska, but will also save Alaska's citizens substantial amounts of money in associated health care costs.

The average safety belt use in States with primary enforcement laws was 11 percentage points higher than in States without primary enforcement.

When States upgrade their laws from secondary to primary, dramatic increases in safety belt use are often observed.

If Alaska can raise its safety belt use rate 11 percentage points by passing a primary belt use law, it is estimated that 6 lives could be saved in Alaska annually.

Primary safety belt laws also help save the lives of children. Citizens are much more likely to buckle up and place their children in child safety seats when there is the possibility of receiving a citation for not doing so

Safety belts reduce the risk of death to front seat passenger car occupants by 45% and the risk of moderate to critical injury by 50%. In light truck occupants, safety belts reduce the risk of death by 60 % and moderate to critical injury by 65%.

Also, even if you are a good driver, wearing your seat belt is your best defense against drunk, drowsy, and aggressive drivers.

It is estimated that in the year 2000 safety belt use saved about \$50 billion in medical care, lost productivity and other injury related cost in the United States. Conversely, safety belt non-use cost society about \$26 billion. Each critically injured survivor costs an average of \$1.1 million. Medical costs and lost productivity account for 84 % of the cost for this most serious level of non-fatal injury.

Those not directly involved in crashes pay for nearly ¾ of all crash costs, primarily through insurance premiums, taxes, and travel delay. These costs, borne by society rather than by crash victims – totaled over \$170 billion in 2000 for all traffic crashes

Safety belts save lives!

Subject: Senate Bill 316 - PRIMARY Seat Belt Law

Date: Thu, 26 Feb 2004 11:52:52 -0900

From: Lisa Kibbee <LKibbee@mcc-cpa.com>

To: "Senator_Gary_Stevens@legis.state.ak.us" <Senator_Cary_Stevens@legis.state.ak.us>,
"Senator_John_Cowdery@legis.state.ak.us" <Senator_John_Cowdery@legis.state.ak.us>,
"Senator_Bert_Stedman@legis.state.ak.us" <Senator_Bert_Stedman@legis.state.ak.us>,
"Senator_Gretchen_Guess@legis.state.ak.us" <Senator_Gretchen_Guess@legis.state.ak.us>,
"Senator_Lyman_Hoffman@legis.state.ak.us" <Senator_Lyman_Hoffman@legis.state.ak.us>,
"Senator_Con_Bunde@legis.state.ak.us" <Senator_Con_Bunde@legis.state.ak.us>

Senators,

As a volunteer medical professional I urge you to pass SB 316. It could really save lives here in Alaska. Please make this a reality for those families who have lost their loved ones already and the many more lives you are likely to save in the future.

Sincerely,

Lisa Kibbee
Lieutenant - Team One
EMT 1
Alaska Professional Volunteers

Subject:

Date: Wed, 25 Feb 2004 23:41:17 -0800 (PST)

From: J McArthur <judithmcArthur@yahoo.com>

To: Senator_Con_Bunde@legis.state.ak.us

Senator Bunde,
Please support S.B. 316. Wearing a seat belt is what
saved my child's life when she was hit by a drunk
driver.

Judith McArthur
P.O.Box 773111
Eagle River AK 99577

Do you Yahoo!?
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<http://antispam.yahoo.com/tools>

Subject:

Date: Wed, 28 Jan 2004 08:12:15 -0900

From: "Thomas Remaley" <remaley@palmerpolice.com>

To: <Senator_Con_Bunde@legis.state.ak.us>

I live in Wasilla and work in Palmer. In reading AS 28.05.095 reference the use of seatbelts, I see that it is required by law, however, police officers can not stop a vehicle solely to address a seatbelt violation. I would ask that you introduce and support a bill to allow officers to address this issue without having to establish some other probable cause to stop the vehicle. After all, if the wearing of seatbelts makes the motoring public that much more safe, why not make it important enough (or less difficult) to enforce?

Thomas Remaley

Subject: SB 316

Date: Thu, 26 Feb 2004 09:42:21 -0900

From: "PATRICIA HONG" <afpah@uaa.alaska.edu>

To: <Senator_Con_Bunde@legis.state.ak.us>

Dear Senator Bunde --

Thank you for sponsoring SB 316, which would establish a primary seat belt law here in Alaska. As a former Girdwood resident, I know how many lives are either lost or forever changed by automobile crashes on the Seward Highway. A primary seat belt law would have prevented many of those deaths.

As a nurse, I've taken care of far too many car crash victims. Seat belts would have mitigated the severity of many of those injuries!

Please do all you can to pass this bill and put it on the Governor's desk ASAP!

Thanks, Patti Hong, RN

Patricia Hong<?xml:namespace prefix = o ns =
"urn:schemas-microsoft-com:office:office" />

UAA School of Nursing

907-786-4578 (w)

907-786-4559 (f)



**National
Transportation
Safety Board**

Safety Information

Washington, D.C. 20594

STATEMENT OF

KEVIN E. QUINLAN, CHIEF

SAFETY ADVOCACY DIVISION

NATIONAL TRANSPORTATION SAFETY BOARD

BEFORE THE

ALASKA SENATE

COMMITTEE ON THE JUDICIARY

ON

SENATE BILL 316

PRIMARY SAFETY BELT ENFORCEMENT

JUNEAU, ALASKA

It is our pleasure to provide the following statement regarding Senate Bill 316.

The Safety Board wants to commend you for considering a measure that will so easily save motor vehicle occupants from crash-related deaths and injuries.

The National Transportation Safety Board is an independent Federal agency charged by Congress to investigate transportation accidents, determine their probable cause, and make recommendations to prevent their recurrence. The recommendations that arise from our investigations and safety studies are our most important product. The Safety Board has neither regulatory authority nor grant funds. However, in our 37-year history, organizations and government bodies have adopted more than 80 percent of our recommendations.

The Safety Board has recognized for many years that traffic crashes are this nation's most serious transportation safety problem. Every year, more than 90 percent of all transportation-related deaths are caused by highway crashes. The single greatest defense against highway fatalities is the seat belt. When used properly, seat belts reduce the risk of fatal injury to front seat vehicle occupants by 45 percent.

Unfortunately, seat belt use in the United States remains significantly lower than seat belt use in other industrialized nations. Australia and Canada, for example, have use rates over 90 percent, while seat belt use in the United States is approximately 75 percent. Although 49 States require motor vehicle occupants to use seat belts, 29 States, including Alaska, allow only secondary enforcement of their seat belt laws. Secondary enforcement means that police officers cannot issue a citation for a seat belt violation unless the vehicle has been stopped for another reason.

The Safety Board recommended in June 1995 that States enact legislation that provides for primary enforcement of seat belt laws. In 1997, the Safety Board again called for the States to enact primary enforcement and to provide the political will that will enable law enforcement agencies to vigorously enforce this important lifesaving law. The Safety Board maintains a Most Wanted list of safety recommendations because of their potential to save lives. Primary Enforcement is one of the issues on that list, the one with a greater potential to save lives than any other on the list. It also has more potential to save lives than probably any other piece of legislation you will consider this year.

Today I want to discuss four elements that support the Safety Board's position on seat belt laws. First, seat belts are effective in reducing motor vehicle injuries and fatalities. Second, the remaining 21 percent of motor vehicle occupants who do not use seat belts engage more frequently in high-risk behavior. Third, the economic cost from the failure to use seat belts is substantial. Finally, primary enforcement seat belt laws do increase seat belt use.

Seat Belts Are Effective

Seat belts are the number one defense against motor vehicle injuries and fatalities. Seat belts restrain vehicle occupants from the extreme forces experienced during motor vehicle crashes. Also, seat belts prevent occupant ejections. Only 1 percent of vehicle occupants using seat belts are ejected. Unrestrained vehicle occupants are ejected 30 percent of the time. Seventy-three percent of persons who are totally ejected from a vehicle are killed. From 1975 to 2002, seat belts saved almost 165,000 lives nationwide. According to the National Highway Traffic Safety Administration (NHTSA), a nationwide seat belt use rate of 90 percent by front seat occupants would prevent an additional 5,000 deaths and 130,000 serious injuries each year.

One issue that particularly concerns the Safety Board is that not all seat belt laws apply to all motor vehicle occupants. In 31 States, including Alaska, the seat belt law permits back seat occupants to ride unrestrained. However, unbelted vehicle occupants frequently injure other occupants, and unbelted drivers are less likely than belted drivers to be able to control their vehicles. An article recently published in the Journal of the American Medical Association stated that a person's risk of death in a crash is associated with the restraint use of other occupants; in the study, the risk was lowest when all occupants were restrained.

Unrestrained Vehicle Occupants More Frequently Engage in High-Risk Behavior

Approximately 20 percent of motor vehicle occupants nationwide do not use seat belts. These drivers, who choose not to buckle up, tend to exhibit multiple high-risk behaviors and are more frequently involved in crashes. According to the National Automotive Sampling System (crash data composed of representative, randomly selected cases from police reports), belt use among motorists in crashes decreases with increasing crash severity.

Fatal crashes are the most violent motor vehicle crashes and can result from high-risk behaviors such as speeding and impaired driving. Unfortunately, people

involved in fatal crashes also tend not to use their seat belts. While observational surveys have identified a 79 percent seat belt use rate, use in fatal crashes is significantly lower. From 1994 through 2002, 799,205 vehicle occupants were involved in fatal crashes. Of those 799,205 occupants, 303,291 died. Approximately 59 percent of the vehicle occupants who died were unrestrained. In Alaska, 596 vehicle occupants died, and nearly 64 percent were unrestrained.

Alcohol-related crashes cause approximately 40 percent of motor vehicle fatalities, and impaired drivers are notorious for not using seat belts. Alcohol-related crashes are also responsible for 22 percent of the total economic cost of motor vehicle crashes. Primary enforcement seat belt laws can help police officers identify impaired drivers and can certainly reduce the death and injury rate associated with impaired driving, since everyone's best defense against drunk driving is a seat belt.

Teenagers are generally considered high-risk drivers because of their inexperience and immaturity. Teen drivers and their teen passengers have the lowest seat belt use rates. In an analysis by the Air Bag and Seat Belt Safety Campaign, it was reported that among fatally injured 16-to 19-year-old drivers in States with secondary enforcement seat belt laws, belt use is an abysmal 30 percent. Teenagers are our future, and we need to ensure that they get in the habit of using seat belts.

Economic Costs from the Failure to Use Seat Belts are Significant

Although opponents to primary enforcement seat belt laws claim that nonuse is a personal choice and affects only the individual, the fact is that motor vehicle injuries and fatalities have a significant societal cost. For example, the lifetime cost to society for each fatality is over \$977,000, over 80 percent of which is attributed to lost workplace and household productivity. In 2002, more than 7,100 lives could have been saved if everyone had used a seat belt. Society would have saved almost \$7 billion.

Each critically injured survivor of a motor vehicle crash costs an average of \$1.1 million. Medical costs and lost productivity account for 84 percent for the most serious level of non-fatal injury. In a 1996 study, NHTSA found that the average inpatient cost for unbelted crash victims was 55 percent higher than for belted crash victims. In 2000 alone, seat belts could have prevented over 142,000 injuries.

While the affected individual covers some of these costs, overall, those not directly involved in crashes pay for nearly three-quarters of all crash costs, primarily through insurance premiums, taxes, and travel delay. In 2000, those not directly involved in crashes paid over \$170 billion. Just for medical care, lost productivity, and other injury related costs, society annually pays an estimated \$26 billion for motor vehicle injuries and deaths experienced by unbelted vehicle occupants, and a substantial part of this cost is publicly funded.

The emotional and financial costs to Alaska are just as staggering. In 2002, 37 people died while riding unrestrained in motor vehicles on Alaska's roads. Seat belts are 45 to 73 percent effective in preventing fatalities depending on the vehicle type and seating position for the occupant. Therefore, it is reasonable to estimate conservatively that approximately 18 of the unrestrained occupants would have survived crashes in 2002, saving Alaska about \$18 million if they had buckled up. This estimate does not include the reduced costs from reducing the severity and frequency of injury crashes. The Alaska Injury Prevention Center report "Alaska Seat Belt Cost Analysis" provides a conservative estimate of these costs.

Primary Enforcement Seat belt Laws Do Increase Seat belt Use

Primary enforcement seat belt laws can make a difference in seat belt use rates. With primary enforcement, police officers are authorized to execute a traffic stop and cite unbelted vehicle occupants without needing another reason for making the stop. According to the National Occupant Protection Usage Survey (June 2003), seat belt use in primary enforcement law States was 83 percent, while the belt use rate in secondary enforcement law States was only 75 percent. States that recently enacted primary enforcement seat belt laws experienced increased seat belt use rates ranging from almost 5 percent to almost 18 percent. The increased use is based on the perceived risk of being stopped.

Conclusion

Average American citizens, not just highway safety advocates, support primary enforcement. NHTSA conducted a survey in 2000 to determine the public's opinion on primary enforcement seat belt laws. Overall, 61 percent of the population surveyed supported primary enforcement. Among people from States with secondary enforcement seat belt laws, more than half approved of primary enforcement. Minority populations are greater proponents of primary enforcement than whites. For example, 72 percent of Hispanics surveyed and 68 percent of African Americans surveyed endorsed primary enforcement.

Key provisions of a comprehensive primary enforcement seat belt law should include coverage of all vehicle occupants in all seating positions, coverage of all vehicles, and sufficient penalties. By allowing police officers to stop vehicles directly for seat belt violations, Alaska shows that it takes seat belt use very seriously. There are additional benefits to allowing primary enforcement. For example, when police officers stop vehicles for traffic law violations, such as failure to use a seat belt, they often discover additional traffic or criminal violations that otherwise might have gone undetected. Additionally, changing from secondary enforcement to primary enforcement does not impose additional requirements on vehicle occupants.

The measure sponsored by Senator Bunde, SB 316, will save lives and reduce injuries. Enacting this bill is the single most important life-saving and deficit reduction measure you can take this session. It costs nothing, but will save much. Thank you again for inviting the Safety Board to testify about this important problem. I would be happy to answer any questions you may have.

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**ORAL TESTIMONY
CURT WINSTON, REGIONAL ADMINISTRATOR,
NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION, SEATTLE, WASHINGTON
BEFORE THE ALASKA
SENATE JUDICIARY COMMITTEE**

March 10/12, 2004

Good afternoon. My name is Curt Winston. I am the Regional Administrator for Region X, of the National Highway Traffic Safety Administration--also known as NHTSA--an agency of the U.S. Department of Transportation.

I would like to thank Senator Con Bunde for inviting me to testify on the proposed safety belt legislation. This legislation, if enacted, will save the lives of 12 to 15 people in Alaska in the first year.

NHTSA is the agency charged with reducing the devastating toll that traffic crashes take each year in our country. We do this by regulating the automotive industry and by careful scientific analysis of where the fatality problems are and how to address them.

Traffic crashes killed nearly 43,000 people and caused about 3 million injuries in 2002. Largely preventable...these injuries not

only impact the lives and livelihood of the crash victims and their families...but also cost the Nation about \$230 billion each year in medical expense, lost productivity, property damage, and related costs.

Alaska pays more than \$475 million of these costs each year. That is nearly \$758 for every Alaskan, each year. And 75% of that cost is paid by citizens not involved in the crashes.

Motor vehicle crashes are the leading cause of death for children in Alaska--indeed in all of America--and for adults up to age 34.

Our data clearly show that upgrading Alaska's safety belt law from secondary to primary enforcement is the most effective way for you to reduce traffic deaths, injuries, and their costs...more than vehicle improvements...more than road and intersection improvements...more than any other piece of legislation you might consider.

The Bush Administration recognizes there are those who have a philosophical argument against government mandates. But we clearly have the need for science-based actions to protect our citizens and blunt our economic loss. Our Administration cannot

condone the sacrifice of the lives of our citizens on an altar of political philosophy. This law is about our core value of human life. In Alaska, it's 12 to 15 human lives in the first year; lives that are disproportionately young.

Your Department of Transportation Office of Highway Safety, State Troopers, and local Law Enforcement are doing the best they can with your secondary law. They have increased usage by about 13 percent in 2003, to 78.9%. But they need the same tools as your neighboring States of Washington and Oregon. Washington saved 76 lives with their primary law in its first full year.

Even with their hard work, more than a fifth of Alaska's population--about 130 thousand people--are still not buckling up. Our research indicates that most of these are males aged 16 to 36, driving pickup trucks.

Alaska's safety belt use rate is 78.9%. In comparison, your neighboring States Washington and Oregon, with their primary safety belt laws, have use rates of 94.8% and 90.4%, respectively.

If Alaska enacts this legislation and attains the predicted increase in safety belt use, you will not only save 12 to 15 lives, but you

will also prevent nearly 300 serious injuries that would clog your trauma centers. You could save \$20 million in costs each year.

In 2002, 54 people died in Alaska while riding in cars and trucks. Of these, 25 (46%) died while not wearing their safety belts. If those people had been belted, 13 would be alive and well today. Of the 54 who died in cars and trucks, 14 were between 14 to 24 years of age. 50% (7) of these young occupants were not wearing safety belts. If these young people had been belted, about 3-4 would be with their families today.

Our studies and our experience make it clear that young people do not respond to isolated educational messages about belt use, but they do change their habits with the threat of a ticket and fine.

Most of the business community also understands and supports primary laws. Unbelted motorists are a burden on your State's employers. A recent NHTSA study of 1998-2000 data shows that motor vehicle crashes--both on and off the job--cost employers \$60 billion each year. More than \$6 billion of this total is due to nonuse of safety belts.

This occurs because of lost work time, lower productivity due to injury and replacement employees, and provisions of increasingly expensive health insurance.

Here in Alaska, crashes cost employers more than \$38 million annually. That amounts to \$320 per employee in the State. In an era of dwindling resources, reducing the costs...however we can...is good government.

In addition to saving money, this legislation could earn a large amount of money for Alaska. The President's Highway Bill, SAFETEA--now pending before Congress--would entitle the State to an incentive grant of over \$3.9 million, if it upgrades its belt law to primary enforcement or reaches 90% belt use. To date, no State has come close to 90% without a primary law.

Even in low velocity crashes, you are safer wearing your safety belt. Considering all types of crashes, safety belts cut your risk of death in half. And in rollover crashes, safety belts reduce the risk of death by 80%, meaning 4 out of 5 unbelted rollover deaths would not have happened if the occupants had been belted.

While my boss U.S. Secretary of Transportation Norman Mineta continually reminds me that safety is our number one priority, he also asked me to ensure that enactment of primary safety belt laws does not result in profiling of any sort. Secretary Mineta has a deep and personal understanding of what it means to be singled out and he understands why profiling has no place in our society. He also understands that a primary safety belt law has not, and must not, lead to profiling. And he is not alone.

Legislators, law enforcement officers, political and social leaders support primary safety belt laws. The Congressional Black Caucus, the National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, the National Conference of Black Mayors, the National Council of Negro Women, and other organizations are vocal supporters of the laws. These groups know that primary safety belt laws help reduce deaths and injuries among minorities and they do not discriminate.

NHTSA and the U.S. Department of Justice are working closely with law enforcement leaders, providing training and educational materials to ensure that officers on the road understand and practice only appropriate and respectful traffic stops.

Finally, enactment of this legislation will also save the lives of your children. Our research shows that when the driver buckles up, 92% of the time the children in the vehicle are wearing belts or are in child safety seats. However, when the driver is not wearing a safety belt, only 62% of the children are wearing belts or are in safety seats.

You have the power to turn "if only he'd worn his safety belt" into "thank God he was wearing his safety belt." Every family of a crash victim wishes they could have prevented that tragedy.

You have the power, and hopefully the discretion, to make it happen.

Thank you for the opportunity to testify today. I would be glad to answer any questions.



Alaska Association of Chiefs of Police

February 25, 2004

RE: SUPPORT LETTER FOR A PRIMARY SAFETY SEAT BELT LAW

94 Alaskans lost their lives in vehicle crashes in 2003. 24 of these deaths were individuals that were not buckled.

Primary enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger. Secondary enforcement, which is what Alaska has now, means that a citation for not wearing a safety belt can be written only after the officer stops the vehicle or cites the offender for another infraction.

A primary seat belt law will not only save lives and reduce injuries in Alaska, but will also save Alaska's citizens substantial amounts of money in associated health care costs.

The average safety belt use in States with primary enforcement laws was 11 percentage points higher than in States without primary enforcement.

When States upgrade their laws from secondary to primary, dramatic increases in safety belt use are often observed.

If Alaska can raise its safety belt use rate 11 percentage points by passing a primary belt use law, it is estimated that 12 to 15 lives could be saved in Alaska annually.

Primary safety belt laws also help save the lives of children. Citizens are much more likely to buckle up and place their children in child safety seats when there is the possibility of receiving a citation for not doing so.

Safety belts reduce the risk of death to front seat passenger car occupants by 45% and the risk of moderate to critical injury by 50%. In light truck occupants, safety belts reduce the risk of death by 60% and moderate to critical injury by 65%.

Also, even if you are a good driver, wearing your seat belt is your best defense against drunk, drowsy, and aggressive drivers.

It is estimated that in the year 2000 safety belt use saved about \$50 billion in medical care, lost productivity and other injury related cost in the United States. Conversely, safety belt non-use cost society about \$26 billion. Each critically injured survivor costs an average of \$1.1 million. Medical costs and lost productivity account for 84% of the cost for this most serious level of non-fatal injury.

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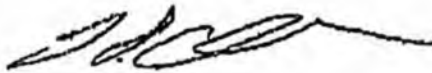
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Those not directly involved in crashes pay for nearly ¾ of all crash costs, primarily through insurance premiums, taxes, and travel delay. These costs, borne by society rather than by crash victims – totaled over \$170 billion in 2000 for all traffic crashes.

The Alaska Association of Chiefs of Police Strongly supports this bill and in the interest of saving lives we would like to see this Bill pass and become law.

Safety belts save lives!

Sincerely,



Chief Thomas Leo Clemons
President Alaska Association of Chiefs of Police

Alaska State Legislature

Legislative Affairs Agency

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To: Senate Judiciary - Sen Seekin

Fax: 465-5241

Comments: Written (T) provided by Don Smith
in support of SB 316

Pages: (inc. cover sheet): 3

Date: 3-12-04

Time: 8:10

Transmitted By: Jean