

SB

316

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/11/04

FURTHER: Judiciary

Date of 5-Day Notice: 2/19/04
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/27/04

State Affairs Committee considered SENATE BILL NO. 316

SB 316 SEAT BELT VIOLATION AS PRIMARY OFFENSE

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

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	2/13/04			✓	1
DOT	2/20/04			✓	2

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John J. Caudrey</i>	✓			
<i>West K. ...</i>			✓	
CHAIR: <i>[Signature]</i>	X			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB316-DOT-CO-2-20-04
 () Publish Date: _____

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

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)

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

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB316-DPS-ASTD-2-23-04
 () Publish Date: _____

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
DIVISION OF STATEWIDE PLANNING

FEB 20 2004


FRANK H. MURKOWSKI, GOVERNOR

3132 CHANNEL DRIVE
JUNEAU, ALASKA 99801-7898

PHONE: (907) 465-4070
TTY/TDD: (907) 465-3652
FAX: (907) 465-6984

February 20, 2004

Senator Gary Stevens
Alaska State Senate
Room 417 State Capitol
Juneau, Alaska 99801-1182

Dear Senator  Stevens,

Enclosed is a publication produced by the National Highway Traffic Safety Administration that you might find interesting.

As Administrator of the Alaska Highway Safety Office, I am following with great interest the two bills, (HB 392 & SB 316), which would establish primary enforcement of seat belt use in Alaska.

Last year 95 Alaskans lost their lives in automobile accidents in our state. Of those, 37 were not buckled and many of them could have survived. National statistics show that states with a primary seat belt law have upwards of 90% of the drivers and passengers using their seat belts. Alaska currently has a 78.9% seat belt use rate.

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

Please feel free to contact me if you have any questions or would like some additional information.

Sincerely,

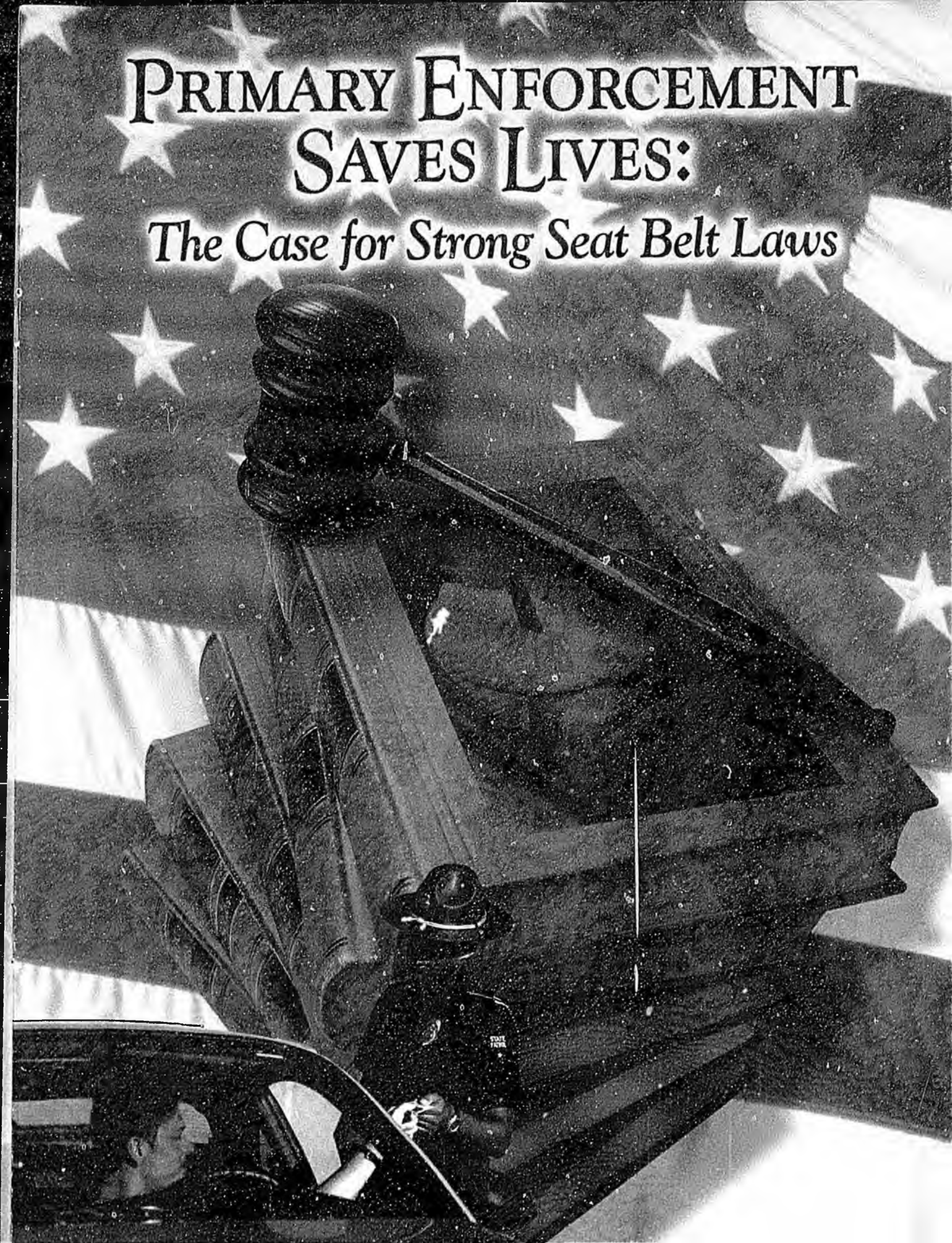


Don Smith
Administrator
Alaska Highway Safety Office

Enclosure

PRIMARY ENFORCEMENT SAVES LIVES:

The Case for Strong Seat Belt Laws



• S A V E L I V E S •



Primary Enforcement Saves Lives:

The Case for Strong Seat Belt Laws





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SECTION I

The Case for Buckling Up

Seat Belts Save Lives

Carolyn Hanig is an Oklahoma Life Flight nurse who was called to a mass-casualty incident involving several motor vehicles. As the helicopter flew over the crash scene, the flight crew could see several victims lying about, already receiving medical attention. Carolyn and her partner went to assist a badly injured young man who was receiving CPR in an ambulance. As she moved in to help, Carolyn froze as she recognized the young man's shoes. They belonged to her 17-year-old son, Nik, who was an unbelted back seat passenger in one of the vehicles. His injuries were grave and he did not survive.

Based on her firsthand experience at the site of many terrible crashes, Carolyn had done everything she could think of to teach Nik the importance of wearing a seat belt—she had even made him visit the hospital room of a young man who became a paraplegic after a crash in which he wasn't wearing a belt. With all that knowledge, however, Nik still wasn't wearing his seat belt on that day. A front-seat passenger who was wearing a seat belt walked away with only minor cuts and bruises.

Carolyn joined with the local coalition supporting a primary enforcement bill that faced vocal opposition. She took her story to lawmakers and to Governor Frank Keating, who promised Carolyn she would make a difference. At the end of Oklahoma's 1997 legislative session, the legislature sent the Governor a primary enforcement bill. When he signed it, Oklahoma became the 13th State (plus the District of Columbia) to have a primary enforcement seat belt use law.

The Highway Safety Problem

It's a fact: on average, someone is killed every 13 minutes and someone is injured every 10 seconds on America's roadways.¹

It takes only a few seconds to fasten a seat belt. Yet this simple action, repeated every time you get into a motor vehicle, may be the most significant driving-related behavior change you can make to extend your life. The "buckle up" habit dramatically increases your chance of surviving a crash. It's your best weapon against a drunk, drowsy, or aggressive driver.

Despite recent advances—safer highway design, new auto safety devices, reductions in impaired driving, and improved seat belt use rates—traffic crashes are still the leading cause of unintentional death in the United States. In fact, motor vehicle crashes are the leading cause of death for persons of every age from 4 through 33 years old.² Each year, approximately 42,000 Americans die in traffic crashes and another three million are injured. Sadly, many of these deaths and injuries could have been prevented if the victims had been wearing seat belts or were properly restrained in child safety seats.

Over the past decade, highway fatalities and injuries have declined. One vital reason for this decline is that more motorists are wearing their seat belts. Research has found that lap/shoulder belts, when used properly, reduce the risk of fatal injury to front seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent (for occupants of light trucks, 60 percent and 65 percent, respectively).³ Despite the effectiveness of seat belts in saving lives and preventing injuries, however, the national seat belt use rate in June 2001 was only 73 percent.⁴

Seat belts are the most effective means of reducing fatalities and serious injuries in traffic crashes. Seat belts are estimated to save over 11,000 lives in America each year.



Trends in Seat Belt Use

Seat belt use was very low, only 10-15 percent nationwide, until the early 1980s. Due in part to the passage of seat belt use laws in 31 States, belt use increased from 14 percent to 42 percent from 1984 through 1987. From 1990 through 1992, belt use rose from 49 percent to 62 percent, attributable, in part, to a national effort of highly visible seat belt law enforcement and public education.

Since that time, belt use has risen only slowly, and some States still struggle to maintain seat belt use at current levels. One key factor in increasing seat belt use is the enactment of primary seat belt laws. Seventeen States, the District of Columbia, and Puerto Rico had primary seat belt laws as of December 31, 2001. The

remaining States, except New Hampshire, had secondary laws. New Hampshire continues to have no adult seat belt law. A *primary* seat belt law is a law which allows a citation to be issued if a law enforcement officer simply observes an unbelted driver or passenger. A *secondary* seat belt law requires an officer to stop or cite a violator for another infraction before being able to issue a citation for not buckling up. Primary seat belt laws are extremely effective in increasing seat belt use because the general public is much more likely to buckle up and place their children in child restraint systems when there is the possibility of receiving a citation for not doing so.

The importance of primary laws in increasing seat belt use cannot be overemphasized. In June 2001, the seat belt use rate in States with

Seat belts and child safety seats help prevent injury five different ways:

1. Preventing ejection.
2. Shifting crash forces to the strongest parts of the body's structure.
3. Spreading forces over a wide area of the body.
4. Allowing the body to slow down gradually.
5. Protecting the head and spinal cord.

How Motor Vehicle Crash Figures Compare with Crime

CRIME

- One murder every 34 minutes
- One aggravated assault every 35 seconds
- One violent crime every 22 seconds
- One property crime every 3 seconds
- One crime every 3 seconds

MOTOR VEHICLE CRASHES

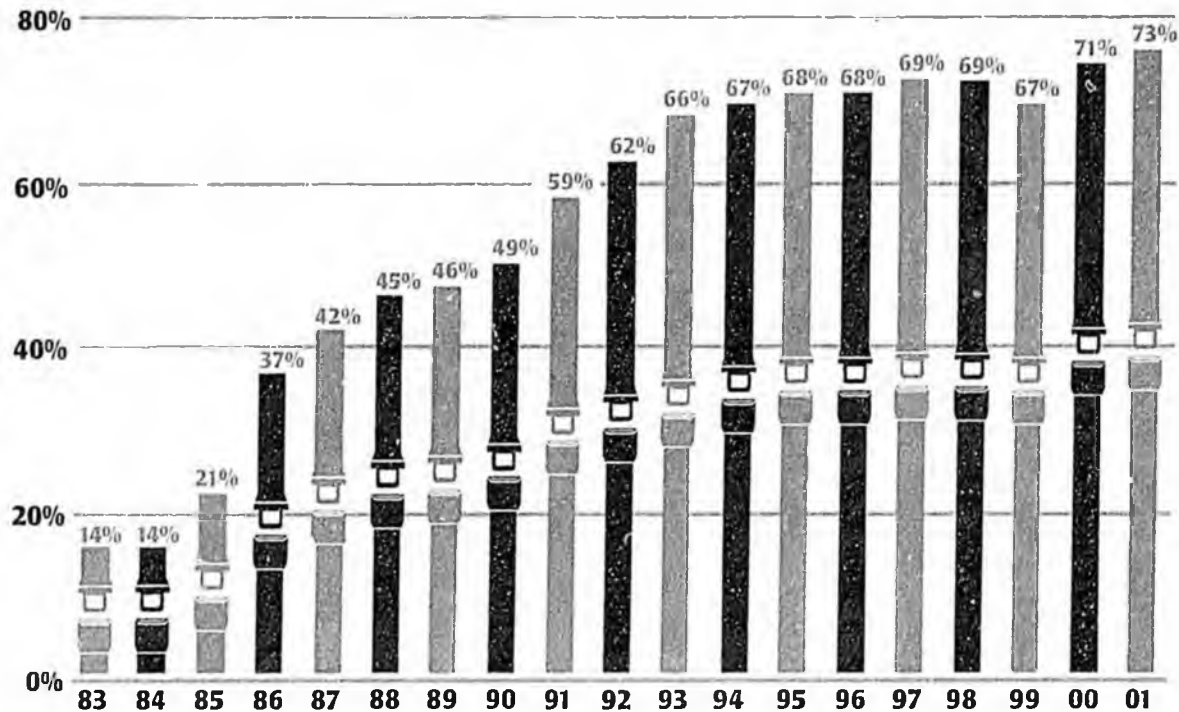
- One fatality every 13 minutes
- One injury every 10 seconds
- One crash causing property damage every 7 seconds
- One crash every 5 seconds

Source: NHTSA Traffic Safety Facts, 2000, U.S. Department of Transportation and Uniform Crime Report, 2000, U.S. Department of Justice



The Transportation Equity Act for the 21st Century, passed by Congress in June 1998, authorized an incentive grant program to help States increase seat belt and child safety seat use. The program reinforces the *Buckle Up America* strategy and provides grants to States that adopt and strengthen seat belt and child safety seat use laws, conduct high visibility enforcement, and establish education programs.

U.S. Seat Belt Use Rates 1983-2001



1983-1990 from 19-city surveys
 1991-1997 from State surveys
 1998-2001 from NOPUS/mini NOPUS surveys

primary seat belt laws was 78 percent compared to 67 percent in States without primary enforcement laws.⁵ NHTSA provides information and technical assistance to support the efforts of States and national organizations to strengthen State laws regarding seat belt and child restraint use. Two excellent publications on primary enforcement are listed on page 23 in this booklet.

Buckle Up America

In 1997, NHTSA developed the *Buckle Up America* Campaign, a massive public health and safety campaign designed to increase seat belt use nationwide. Increasing the national seat belt use rate has tremendous potential for saving lives, preventing injuries, and reducing the economic costs associated with crashes. For

example, increasing the national seat belt use rate from 68 percent (the rate measured in 1996 before the *Buckle Up America* Campaign began) to 90 percent would:

- Prevent an estimated 5,536 fatalities annually
- Prevent an estimated 132,670 injuries annually
- Save approximately \$8.8 billion annually

These economic cost savings result from reduced productivity losses, property damage, medical costs, rehabilitation costs, legal and court costs, emergency services costs, insurance administration costs, funeral costs, traffic delay, and costs to employers.



*We Know What Works:
The Four Strategies*

The Buckle Up America Campaign consists of the following four-point strategy:

Point 1 - Enact strong legislation.

It is imperative to adopt primary enforcement seat belt use laws (also referred to as "standard" enforcement laws—see box on this page, "Terminology") and to close the gaps in child passenger safety laws in all States. Police officers should be able to write a citation whenever a seat belt violation is observed, whether or not the driver has committed any other traffic infraction. Child passenger safety laws should cover all children up to age 16 in every seating position.

Savings Resulting From 90% Seat Belt Use

- **5,536 lives saved annually**
- **132,670 injuries prevented annually**
- **\$8.8 billion saved annually**

Point 2 - Build public-private partnerships at the local, State and Federal level.

The goal of increasing safety belt use is too big for any one group or agency to accomplish alone. But, working together, the Nation can achieve higher use through stronger laws, visible enforcement and public education and information. Partnerships or coalitions can set the tone in a community, workplace or organization, and the media can help spread the message that healthy, safe families are properly buckled up. There are many successful coalitions and partnerships to use as role models; the agencies and organizations listed as resources in Appendix D can provide help.

Point 3 - Conduct active, high-visibility enforcement.

Experience has shown that, after seat belt use laws are passed, belt use increases quickly. But without active, high-visibility enforcement, it soon drops again. Belt laws must be visibly enforced the way other traffic laws are (red light running, speeding, etc.). In addition to increasing belt use and reducing crash injuries, high-visibility enforcement results in a measurable reduction in crime (one-third of criminal apprehensions occur as part of traffic stops).

Point 4 - Expand effective public education.

It is critical to educate the public about the benefits of seat belt and child safety seat use. Public education may include a broad range of activities such as enforcement campaigns, promotional events and community-based initiatives. These efforts are most effective when they are well planned and coordinated and use a simple message that is repeated many times in different ways.

Terminology

Different terms are often used to mean the same or similar things. Here are the definitions used by the National Highway Traffic Safety Administration:

Primary enforcement and standard enforcement both mean the same thing—that a seat belt or child passenger safety citation can be written whenever a law enforcement officer simply observes an unbelted driver or passenger.

Secondary enforcement means a citation can be written only after a law enforcement officer stops or cites an individual for another traffic violation.

Seat belts and safety belts both refer to the lap belt or lap-shoulder belt occupant restraint device.



SECTION II

Why Primary Enforcement?

What is Primary Enforcement?

As previously noted, primary (standard) enforcement allows a law enforcement officer to stop or cite an individual when the officer observes an unbelted driver or passenger. Secondary enforcement means that a citation for not wearing a seat belt can be written only after the officer stops or cites an individual for another infraction.

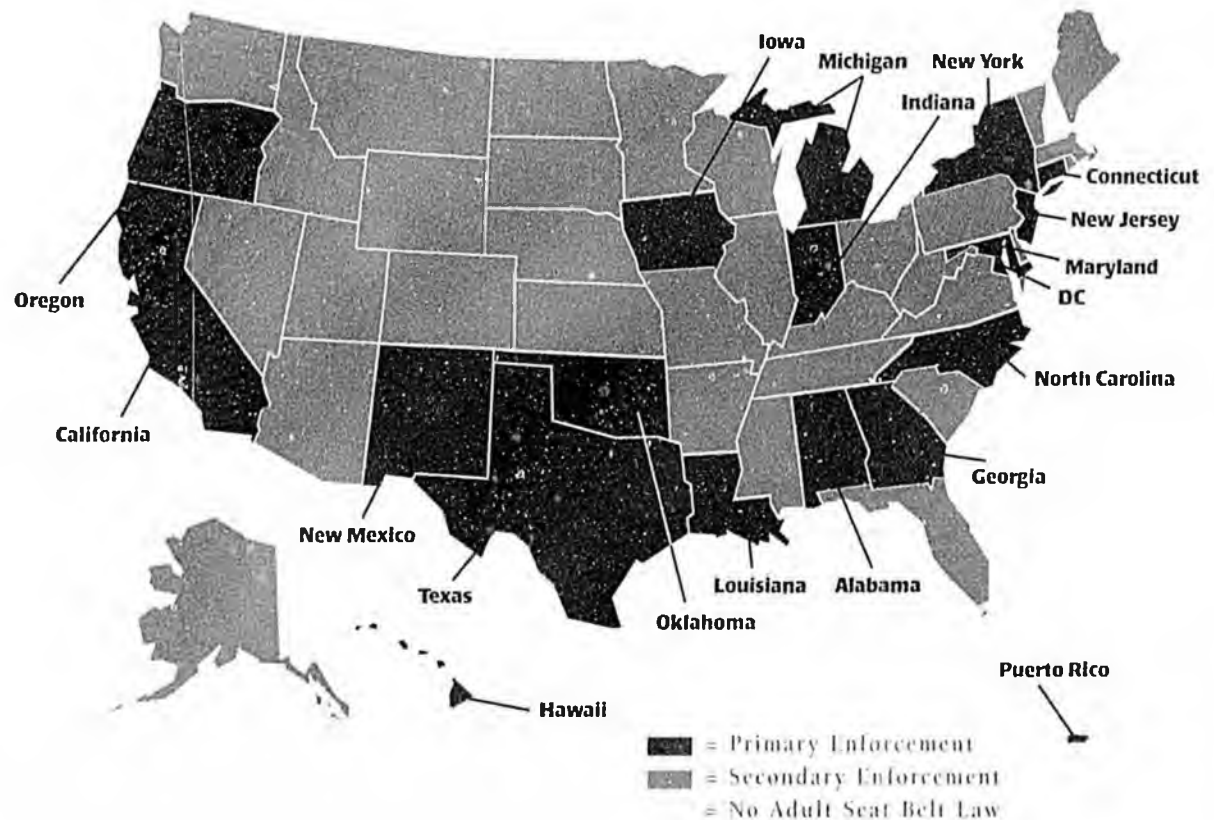
Virtually all traffic safety laws—and other laws, for that matter—are primary, except secondary

enforcement seat belt use laws. In States with secondary laws, a law enforcement officer can stop a motorist for a burnt out taillight or an expired license tag, but cannot stop a motorist for violating the State's seat belt law.

Forty-nine States and the District of Columbia now have seat belt use laws, but only one third provide for primary enforcement procedures as reflected in the map below.

Increases in belt use have been made without a primary safety belt use law, but the greatest

States with Primary Enforcement Seat Belt Use Laws (as of December 31, 2001)





gains are possible when a primary law works in conjunction with enforcement, education, and partnership efforts. Passing primary seat belt use laws in every State is absolutely essential to saving thousands of lives and preventing tens of thousands of injuries each year.

Increasing adult belt use also has a significant impact on child safety. Research shows that when drivers wear seat belts, children are restrained significantly more often than when the drivers are unbuckled.

How Can a Primary Seat Belt Use Law Increase Use Rates?

A primary seat belt use law is much more enforceable than a secondary law. When combined with education and adjudication, an upgrade to primary enforcement will significantly raise belt use rates.

Enforcement

Allowing for primary enforcement procedures enhances the perceived importance of the seat belt law with both the public and the police. Ultimately, this leads to greater compliance. Primary enforcement sends a clear message that the State views seat belt use (and the seat belt law) as essential for the safe operation of a motor vehicle. Primary seat belt use laws enhance law enforcement in other ways. 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 would have gone undetected. A minor traffic violation was the reason Timothy McVeigh, later convicted of the Oklahoma City bombing, was initially stopped by police.

Education

In order for primary seat belt use laws to bring compliance up significantly, enforcement must be highly visible and combined with extensive public education efforts. Those not in the buckle-up habit must be informed of the law and its consequences, persuaded of the value of seat belt use, and convinced that authorities are serious about enforcement.

Whenever possible, public education messages should support and call attention to the law and ongoing enforcement efforts. However, other messages can also be used to complement the program. For example, some messages may focus on costs:

Our children and young people are paying the price. Traffic-related injuries are the leading cause of death for children and young adults of every age from 4 through 33 years old. Research also shows that minority youth are at even greater risk because they are less likely to be buckled up.⁶ And adult behavior affects children; properly belted adults are positive role models for children who will soon be making buckle-up decisions themselves.

Society is paying the price. Traffic crashes result in \$150 billion in economic costs, including \$17 billion in medical care and emergency services expenses, and \$107 billion in lost productivity and property loss. Such costs are passed on to consumers so that every person in America shares the economic costs of motor vehicle crashes, on average \$580 per person per year. Eighty-five percent of all medical costs of crash victims fall on society, not the individuals involved. Medicare, Medicaid and other taxpayer-funded sources pay 24 percent of those costs. When crash victims are unbuckled, their medical treatment costs are 50 percent higher.

Families are paying the price. Every 10 seconds someone is injured in a traffic crash. Every 13 minutes someone is killed.



Businesses are paying the price.

Employers are hit especially hard. The Bureau of Labor Statistics reported that highway crashes continued as the leading cause of on-the-job fatalities in 1999, accounting for 22 percent of the total occupational fatalities that year.⁷ NHTSA estimates that crashes on and off the job cost American businesses an estimated \$55 billion through lost productivity and other costs; NHTSA further estimated that work-related crashes cost employers \$22,000 per crash and \$110,000 per injury.

Experience has demonstrated that there simply is no way to achieve high (above 85 percent) seat belt use rates without strongly enforced laws that are widely publicized.

Some States across the country have demonstrated use rate gains of 10-20 percentage points following highly visible enforcement and publicity campaigns. Such campaigns, called special Traffic Enforcement Programs (sTEPs), have been implemented across the country with impressive results. For example, in Michigan, an increase in seat belt use resulted from a combination of enacting a new primary seat belt law and implementing a "Click It or Ticket" media and enforcement campaign, which raised Michigan's seat belt use from 70 percent in September 1999 to 84 percent in March 2000.

Adjudication

The third critical element of a primary seat belt use law is adjudication; a seat belt law must have "teeth" to be effective. The language of the law must be clear, and penalties must be strong enough to have a deterrent effect (see box on page 11 for "Other Key Provisions Every State Seat Belt Law Needs").

Support for Primary Seat Belt Use Laws

Support for upgrading to primary enforcement can be found throughout the community, both from traditional safety, law enforcement, and health organizations and from nontraditional groups in such fields as education and business (see box on page 11). This support will increase as Statewide usage increases, particularly after primary enforcement legislation has been enacted.



Other Key Provisions Every State Seat Belt Law Needs

In addition to being enforced on a primary basis, a strong seat belt use law should include the following:

Coverage of All Occupants in All Seating Positions—The driver should be responsible for seeing that everyone in the vehicle is properly buckled. Currently, some child passenger safety laws only cover children through age three. Most seat belt use laws only cover front seat occupants. Therefore, in these States, a child over three legally can ride in the back seat without being secured because the child is not covered by either the child passenger safety law or the (front seat-only) seat belt use law.

Coverage of All Vehicles—Seat belt use laws should apply to all passenger vehicle types—vans, light trucks, sport utility vehicles, and cars—in the State in which they are traveling.

Penalties—Fines for seat belt use law violations should be significant enough to deter non-compliance. Evidence suggests that fines greater than \$25 lead to higher seat belt use rates. Penalty points on the driver's license are another way to deter noncompliance. In general, as the severity of the penalty increases, so will compliance.

Potential Supporters of Primary Enforcement

STATE GOVERNMENT OFFICIALS

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

LOCAL GOVERNMENT OFFICIALS

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

EDUCATION OFFICIALS, INCLUDING:

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

BUSINESS LEADERS

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

MEDICAL AND SAFETY COMMUNITY

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



Local Ordinances

If passing a Statewide primary enforcement seat belt use law is not possible, do not overlook the opportunity to enact a local ordinance. In several communities across the country, local primary seat belt use ordinances already have been adopted, and many other communities actively are pursuing them.

State Highway Safety Laws--Key Provisions of Seat Belt Use (as of December 31, 2001)

STATE	LAW	PENALTY		COVERAGE		VEHICLES EXEMPTED
		FINE	PTS	SEAT	AGE	
AL	Primary	\$25		Front	6+	Designed for > 10 passengers, manufactured before 1965. Exemptions for medical reasons, rural mail carriers, and paper delivery
AK	Secondary	\$15		All	16+	School bus
AZ	Secondary	\$10		Front	5+	Designed for > 10 passengers, manufactured before 1972
AR	Secondary	\$25		Front	15+	School, church, or public bus, manufactured before 1968
CA	Primary	\$20		All	16+	None
CO	Secondary*	\$15		Front*	16+	Passenger bus, school bus
CT	Primary	\$37		Front	4+ (<16 all)	Truck or bus >15,000 lbs.
DE	Secondary	\$20		Front	All	Postal Service Vehicles
DC	Primary	\$50	2	All	16+	Seating > 8 people
FL	Secondary	\$30		Front	6+; 6-17 in rear	School bus, public bus, truck > 5,000 lbs.
GA	Primary	\$15		Front	4+; 4-17 in rear	Designed for > 10 passengers, pickup
HI	Primary	\$20		Front	rear; under 18	Bus or school bus > 10,000 lbs.
ID	Secondary	\$5		Front	4+	Weighing > 8,000 lbs.
IL	Secondary	\$25		Front	6+	None
IN	Primary	\$25		Front	4+; 4-11 in rear	Truck, tractor, RV
IA	Primary	\$25		Front	6+	None
KS	Secondary	\$10		Front	14+	Designed for >10 people, truck >12,000 lbs
KY	Secondary	\$25		All	Over 40 in. tall	Designed for > 10 people
LA	Primary	\$25		Front	13+	Manufactured before 1981; vehicles designed for > 10 people
ME	Secondary	\$60		All	4+	Manufactured without seat belts
MD	Primary	\$25		Front	16+	Historic Vehicle
MA	Secondary	\$25		All	16+	Truck > 18,000 lbs., bus and taxi operators
MI	Primary	\$25		Front	4+; 4-15 in rear	Taxi, bus, school bus
MN	Secondary	\$25		Front	All; 3-10 in rear	Farm pickup truck
MS	Secondary	\$25		Front	4+; 4-7 in rear	Farm vehicle, bus; exemptions for medical reasons and letter carriers
MO	Secondary	\$10		Front	4+; 4-15 in rear	Designed for >10 people, truck >12,000 lbs
MT	Secondary	\$20		All	4+	None
NE	Secondary	\$25		Front	5+	Manufactured before 1973
NV	Secondary	\$25		All	6+	Taxi, bus, school bus
NH	No adult law	\$25		All	Under 18 only--Primary Law	School bus, vehicles for hire, manufactured before 1968
NJ	Primary	\$42		Front	8+; <18 in rear seat	None
NM	Primary	\$25	2	All	11+	Vehicle > 10,000 lbs.
NY	Primary	\$50		Front	4+; <16 in rear seat	Bus school bus, taxi, emergency vehicles
NC	Primary	\$25		Front	16+	Designed for > 10 people
ND	Secondary+	\$20		Front	18+	Designed for > 10 people
OH	Secondary	\$25		Front	4+	None
OK	Primary	\$20		Front	All	Farm vehicle, truck, truck-tractor, RV
OR	Primary	\$75		All	16+	Newspaper/mail/meter/transit vehicles**
PA	Secondary	\$10		Front	4+	Truck > 7,000 lbs.
RI	Secondary	\$50		All	>12;<6 must ride in rear	None
SC	Secondary	\$10		All	6+	School bus, public bus, vehicles with no belts in rear seating areas
SD	Secondary+	\$20		Front	5+	Passenger bus, school bus
TN	Secondary	\$10		Front	13+	Vehicle > 8,500 lbs.
TX	Primary	\$50		Front	4+; 4-14 in rear	Designed for >10 people, truck >15,000 lbs
UT	Secondary#	\$45		All	19+	None
VT	Secondary	\$10		All	13+	Bus, taxi
VA	Secondary	\$25		Front	16+	Designed for > 10 people, taxi
WA	Secondary	\$71		All	All	Designed for > 10 people
WV	Secondary	\$25		Front	9+; 9-17 in rear	Designed for > 10 people
WI	Secondary	\$10		All	4+; 4-15 in rear	Taxi, farm truck
WY	Secondary	\$25^		All	5+	Designed for > 11 people, bus
PR	Primary	\$50		All	All passengers	None

*Primary enforcement for all seating positions if driver is under 17 years ^Driver fine is \$25; passenger fine >12 yrs is \$10
 +Primary enforcement for all seating positions if occupant is under 18 years (SD law effective 7/1/01; currently SB use required for >5yrs)
 #Primary enforcement for all seating positions if occupant is under 19 years **Police/emergency vehicles exempted in some situations



SECTION III

The Effect of a Primary Seat Belt Use Law

Primary seat belt use laws, coupled with highly visible enforcement and public education, result in:

- *Higher use rates*
- *Economic savings*

Higher Use Rates

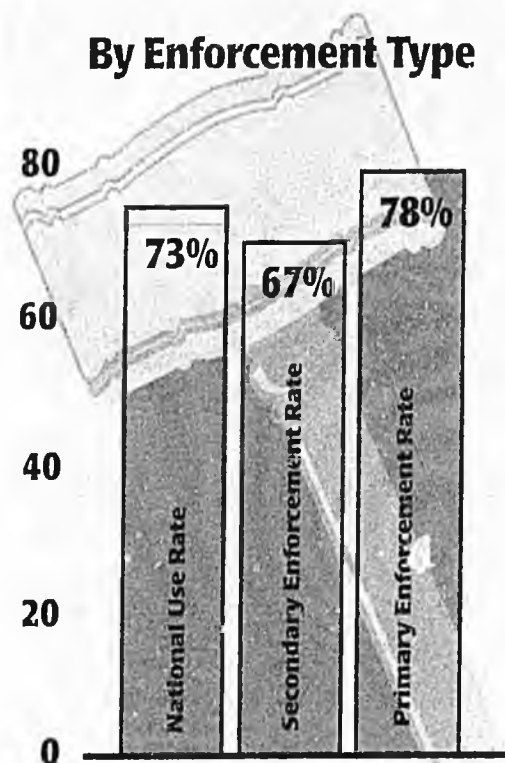
Seat belt use rates are higher in States with primary seat belt use laws. The average seat belt use rate in States with primary enforcement laws is 11 percentage points higher than in States without primary enforcement laws. With only a few exceptions, the States with primary seat belt use laws have the highest seat belt use rates.

Higher seat belt use rates also help reduce the risk of air bag-related injury. Seat belts and air bags together are very effective at reducing injury in moderate to severe crashes. However, riding unrestrained and coming into close proximity of the air bag just prior to a crash can be dangerous, especially for children. Well enforced, primary seat belt use laws will mean that more people will be buckled up and in position to receive the full safety benefit of both the seat belt and the air bag.

Economic Savings

The chart on the following page illustrates the potential for lives saved, injuries prevented and dollars saved by upgrading the current secondary enforcement laws to primary enforcement. These are annual estimates in 1998

Seat Belt Use Rates in Primary and Secondary Enforcement States in 2001



dollars and are based on an estimated 14 percentage point increase in seat belt use, a realistic expected increase based upon observational surveys after States have upgraded their secondary laws to primary laws.

Estimated Cost Savings Among Secondary Law States if Their Laws Were Upgraded to Primary Laws (as of 2/21/01)

Assuming a 14 Percentage Point Increase in Current Belt Use Rates

State	Increased Usage Rate	Fatalities Prevented	Injuries Prevented	Total Savings	Estimated Federal Budget Savings (Rounded)	Estimated State Budget Savings (Rounded)
Alaska	75%	5	73	\$8,336,426	\$843,600	\$385,100
Arizona	85%	78	1,470	\$113,263,426	\$11,462,300	\$5,232,800
Arkansas	71%	50	937	\$63,264,383	\$6,402,400	\$2,922,800
Colorado	79%	52	1,061	\$91,186,931	\$9,228,100	\$4,212,800
Delaware	78%	8	143	\$12,983,123	\$1,313,900	\$599,800
Florida	73%	191	4,652	\$344,485,541	\$34,861,900	\$15,915,200
Idaho	72%	22	305	\$26,511,464	\$2,683,000	\$1,224,800
Illinois	80%	115	3,517	\$256,644,253	\$25,972,400	\$11,857,000
Kansas	77%	49	993	\$79,720,935	\$8,067,800	\$3,683,100
Kentucky	73%	66	1,241	\$87,707,887	\$8,876,000	\$4,052,100
Maine	78%	15	355	\$24,340,500	\$2,463,300	\$1,124,500
Massachusetts	66%	24	1,444	\$84,937,455	\$8,595,700	\$3,924,100
Minnesota	86%	61	1,206	\$104,362,796	\$10,561,500	\$4,821,600
Mississippi	68%	72	930	\$72,936,155	\$7,381,100	\$3,369,700
Missouri	75%	95	2,064	\$154,545,103	\$15,640,000	\$7,140,000
Montana	88%	26	282	\$29,305,059	\$2,965,700	\$1,353,900
Nebraska	82%	27	652	\$47,093,761	\$4,765,900	\$2,175,700
Nevada	94%	32	584	\$58,260,928	\$5,896,000	\$2,691,700
New Hampshire	72%	9	227	\$18,014,590	\$1,823,100	\$832,300
North Dakota	61%	9	173	\$12,166,611	\$1,231,300	\$562,100
Ohio	79%	116	4,486	\$257,256,783	\$26,034,400	\$11,885,300
Pennsylvania	84%	130	2,933	\$235,275,519	\$23,809,900	\$10,869,700
Rhode Island	81%	6	225	\$14,016,893	\$1,418,500	\$647,600
South Carolina	79%	85	1,385	\$106,435,471	\$10,771,300	\$4,917,300
South Dakota	53%	8	165	\$11,721,156	\$1,186,200	\$541,500
Tennessee	75%	109	2,004	\$155,555,005	\$15,742,200	\$7,186,600
Utah	81%	31	672	\$42,981,736	\$4,349,800	\$1,985,800
Vermont	84%	9	101	\$11,086,941	\$1,122,000	\$512,200
Virginia	84%	80	1,848	\$149,173,391	\$15,096,300	\$6,891,800
Washington	95%	72	1,856	\$146,342,896	\$14,809,900	\$6,761,000
West Virginia	66%	27	576	\$35,821,309	\$3,625,100	\$1,654,900
Wisconsin	79%	62	1,505	\$108,925,823	\$11,023,300	\$5,032,400
Wyoming*	60%	13	196	\$18,189,145	\$1,840,700	\$840,300
Total		1,754	40,261	\$2,982,849,395	\$301,864,600	\$137,807,500

*Wyoming estimate is based on use by injured occupants, not a survey.
 Source: NHTSA calculations based on Crash Cost software program, version 1, June 1994, modified for more recent data.



SECTION IV

Successful Examples

Primary seat belt laws have a proven track record of dramatically increasing seat belt use in States, resulting in hundreds of lives saved, thousands of injuries prevented, and millions of dollars saved within these States. The following are some impressive examples of the effectiveness of primary enforcement laws in raising seat belt use:

California: On January 1, 1993, California upgraded its seat belt use law from secondary to primary enforcement. After adoption of the law, Statewide belt use went up 11 percentage points, from 71 percent in 1992 to 82 percent in 1993. For the past five years, California's seat belt use rate has been above 85 percent, and in 2001, the seat belt use rate was 91 percent.

Louisiana: In 1995, Louisiana upgraded its secondary belt law to a primary law. Since then, Louisiana has experienced significant increases in seat belt use; in 2001, the belt use rate was 68 percent.

Georgia: When Georgia upgraded its belt law in 1996, belt use rates climbed from 51 percent just prior to the upgrade to 68 percent the following year—a Statewide increase of 17 percentage points. Seat belt use has continued to climb in Georgia with a 79 percent use rate in 2001.

Maryland: On October 1, 1997, Maryland upgraded from secondary to primary enforcement. Maryland's seat belt use rate has increased 13 percentage points, from 70 percent (1996) to 83 percent (2001).

District of Columbia: On October 1, 1997, the District of Columbia, in addition to upgrading from secondary to primary enforcement, became the first jurisdiction to assess penalty points for seat belt violations. This combination proved to be very successful in increasing belt use: in 1996, the seat belt use rate was only 55 percent; just one year after the law was enacted, belt use skyrocketed to 78 percent—a 23 percentage point increase. In 2001, the belt use rate was 84 percent.

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

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

Michigan: In 1999, the seat belt use rate in Michigan was 70 percent. After Michigan upgraded its belt law to primary enforcement, the seat belt use rate in 2000 climbed to 84 percent—a 14 percentage point increase. Belt use was still high at 82 percent in 2001.

New Jersey: When New Jersey introduced its primary enforcement seat belt use law in 2000, its usage rate climbed from 63 percent in 1999 to 74 percent in 2000. In 2001, New Jersey's seat belt use rate rose to 79 percent.

Successes in Other Countries

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



SECTION V

Support for Seat Belt Use Laws

Public Opinion

In 2000, NHTSA conducted a survey^a among a national sample of approximately 6,000 people age 16 and older to determine attitudes, knowledge, and experience with seat belt laws and their enforcement. The results were enormously positive:

- The vast majority of the public (87 percent) favored laws that require drivers and front-seat passengers to wear seat belts.
- Among persons who supported front seat belt laws, 78 percent also supported applying seat belt laws to back seat adult passengers, as well.
- About three-fifths (62 percent) supported fines for drivers who did not wear seat belts. Support for fines was greater among Hispanics (68 percent) compared to African Americans (62 percent) and whites (62 percent). Among those who supported fines, 45 percent favored fines of \$100 or more for a repeat seat belt law violation.
- Respondents were asked how they would likely react to getting a ticket for a seat belt violation. The interviewers gave respondents two choices and asked which was more likely: that they would believe they deserved the ticket because they broke the law, or they would believe the ticket was undeserved because wearing a seat belt should be a personal choice. According to the data, 70 percent would be more likely to believe that they deserved the ticket. Hispanics (76 percent) and African Americans (73 percent) were more likely than whites (69 percent) to answer that they likely would feel that they deserved the ticket.

- Overall, 61 percent of the population believed that law enforcement officers should be allowed to stop a vehicle if they observe only a seat belt use violation (primary enforcement).
- Perhaps not surprisingly, support for primary enforcement was higher in primary enforcement States (70 percent). However, even in States with secondary enforcement, the majority (53 percent) favored primary enforcement.
- Overall support for primary enforcement was greatest among Hispanics (72 percent support), followed by African Americans (68 percent support) and whites (59 percent support).

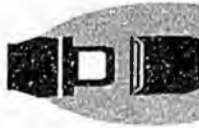
These positive attitudes toward seat belt use suggest a strong receptivity to primary seat belt use laws.

Law Enforcement

In surveys of attitudes toward seat belt law enforcement methods, law enforcement officers consistently point out that secondary enforcement laws are difficult to enforce and that this difficulty deters them from issuing citations.

In a 1993 NHTSA survey of traffic and patrol officers in six California cities, officers favored California's change to primary enforcement. Most officers felt that it communicated to motorists both the need to use belts and the increased likelihood that an enforcement action would be taken.

In Louisiana, focus groups of five communities were conducted in October 1995, one month after Louisiana upgraded its law from secondary



to primary enforcement. The upgrade to primary enforcement was well received by local law enforcement officers. The large majority of officers indicated upgrading the seat belt use law to primary enforcement was a good change and sent the message that belt use was required. Follow-up focus groups (June 1996) indicated that law enforcement support for the primary belt law remained strong and that primary enforcement elevated the importance of the belt law violation in the eyes of the officer.

In focus groups (November 1996) conducted by NHTSA, law enforcement officers in five Georgia communities indicated that the primary belt law was well received by local police officers. The consensus among officers was that the change to primary enforcement had increased the importance of the law for both the motoring public and law enforcement.





SECTION VI

Responding to Objections to a Primary Seat Belt Use Law

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

According to a 1999 study conducted by the National Black Caucus of State Legislators and the Air Bag & Seat Belt Safety Campaign, African Americans who live in States with a primary seat belt law overwhelmingly favor the law by more than a 3-to-1 margin. However, objections to primary seat belt use laws tend to focus on the impact these laws may have on differential enforcement (described below) and individual rights. If people do not know the facts, these politically sensitive issues may become obstacles to enacting—and retaining—primary enforcement laws.

Differential Enforcement of Traffic Laws

In 1970, Richard Austin made history by being the first African American to be elected to Statewide office in Michigan, despite his radical notion (at that time) that Michigan should require seat belt use. When Michigan finally enacted a seat belt use law in 1985, Austin was serving as Michigan's Secretary of State.⁹ In 1999, Meharry Medical College, a historically black medical institution, also made history when it published a report stating that the relative lack of seat belt use among African Americans is a public health issue. Meharry's report further stated that 100 percent seat belt use among African Americans could save 1,300 lives and prevent 26,000 injuries each year, resulting in a cost savings of \$2.6 billion.¹⁰

Within segments of the African American community, however, there is a perception that traffic law enforcement is used, sometimes in con-

junction with criminal interdiction, in a manner which unfairly singles out vehicles driven or occupied by African Americans. Prominent civil rights organizations have also complained that traffic stops involve strategies which unfairly single out vehicles driven by African Americans. "Differential enforcement" is the term used when such unfair practices are used by law enforcement, though the terms "Driving While Black (or Brown)" and "racial profiling" have sometimes been used in the news media to bring attention to this issue.

This issue of differential enforcement is a serious matter and needs to be addressed. Whether targeting is real or perceived, it can undermine respect for traffic laws, leading to contempt for the legal process and for enforcement personnel themselves. This is unfortunate since the majority of law enforcement officers risk their lives every day to protect and defend the public. These claims, fears, and perceptions of harassment cause much concern among law enforcement organizations and executives because they too feel that differential enforcement of traffic laws based on race is unacceptable and must be eliminated.

The National Organization of Black Law Enforcement Executives (NOBLE), the Nation's leading organization of minority law enforcement executives, has focused attention on this issue. Yet NOBLE also recognizes the senseless tragedy of African Americans dying in crashes due to the lack of seat belt and child safety seat use. As a result, NOBLE has voiced support for law enforcement training, as well as educational outreach to the African American



community and passage of primary seat belt laws to increase seat belt and child safety seat use among African Americans.^{11, 12} ASPIRA, a national organization dedicated to the education and leadership development of Hispanic youth, passed a resolution supporting primary enforcement of State seat belt and child safety seat use laws and efforts to promote compliance with such laws.¹³ The U.S. Department of Justice has also been actively involved with minority and civil rights groups on this issue.

Concern About Harassment in States with Primary Seat Belt Laws: What Does the Research Show?

Occupant protection laws and their enforcement constitute a very important component of traffic safety efforts. Forty-nine States (plus the District of Columbia and Puerto Rico) have seat belt use laws and all 50 States (plus the District of Columbia and Puerto Rico) have child passenger safety laws. These laws are responsible for most of the increase that has occurred in seat belt and child safety seat use.

Dramatic increases in seat belt usage, often following years of little or no increase, have resulted in major public health and safety benefits among all racial and ethnic groups. However, those individuals and organizations that oppose upgrades to primary seat belt laws often claim that such upgrades will lead to an increase in the harassment of minority groups. They cite personal experiences, court cases, and incidents that have been reported in the news media as evidence of such potential for harassment. But, these opponents of primary enforcement for seat belt use seldom provide any evidence that primary laws have resulted in any systematic changes in enforcement activity that could be interpreted as harassment of minority groups.

Clearly, the fear of primary laws is very real in minority communities and has been well documented. There is evidence from at least three States (California, Louisiana, and Georgia) that,

when these States upgraded to primary laws, fear of harassment among minority groups increased—as did their seat belt use rate. In fact, seat belt use generally increased to a greater extent among minorities than it did among whites after such upgrades. The disproportionate increases in seat belt use appear to result from the minority communities' greater sensitivity to primary laws and their enforcement. However, in-depth studies conducted in various communities found no evidence to show any shift in enforcement patterns which could be interpreted as harassment. In fact, increases in citations issued for seat belt violations were usually proportionately greater among whites than among minorities.

Specifically, studies in Louisiana and Georgia found that, while minority groups thought their chances of getting a seat belt ticket were higher than whites, analysis of citation data in test locations revealed no differences in ticketing by race that would suggest disproportionate increases in enforcement activity among minority groups. Younger drivers, males, and those who drove more than 15,000 miles a year did receive proportionately more citations, as would be expected based on usage rates and exposure.^{14, 15, 16}

Results of an evaluation of Maryland, Oklahoma, and the District of Columbia's change to primary enforcement published in January 2001 also support these findings.¹⁷ As stated in the results section of the report: "Non whites more than whites reported feeling the threat of receiving a ticket for not wearing a seat belt, even though there was no significant relationship between race and those who actually received a seat belt ticket." The research also found that "...citation data that identified race confirmed there was either no difference in non-white versus white ticketing, comparing secondary to primary enforcement, or a greater increase in ticketing went to whites following the change to a primary enforcement law." And according to the previously cited study conduct-

ed by the National Black Caucus of State Legislators and the Air Bag & Seat Belt Safety Campaign, African Americans who live in States with a primary seat belt law overwhelmingly favor the law by more than a 3-to-1 margin. (74 percent favor/22 percent oppose).¹⁸

Support from Minority Leaders for Primary Enforcement

The Congressional Black Caucus has stated that increasing seat belt use among African Americans is an "urgent national health priority."¹⁹ The National Black Caucus of State Legislators, the National Conference of Black Mayors, and the Congress of National Black Churches support strong laws that increase seat belt use and include safeguards for uniform enforcement. Many minority group legislators have supported primary law upgrades in various States because of the enormous public health and safety gains that can be made. Some of these legislators have publicly testified that, following their upgrades to primary seat belt laws, they have seen neither any backlash in their communities nor any evidence of differential enforcement of the new laws.

In Louisiana, for example, where seat belt use rose from 50 percent to 86 percent in the two years following a primary law upgrade, legislator Danny R. Mitchell described his State's experience in a letter to the Michigan Legislature (which was considering similar legislation) as follows: "As an African-American legislator from Louisiana, I participated . . . in the debate over passage of a primary seat belt law for our State. In fact, I was one of the ten sponsors of this bill . . . We have surveyed the offices of several of my colleagues in the Louisiana Legislature in addition to the major police departments in the State to determine if there have been any complaints of harassment associated with enforcement of this law. I am pleased to relate to you that the record is clear on this question, there have been no reports or complaints of harassment."

In Maryland, Delegate Joanne Benson, an African

American, stated that: "This is a serious public health issue. We know that three out of four kids killed in crashes are riding unrestrained. That is why I led the effort in Maryland's Assembly to upgrade our State's safety belt law from secondary to primary enforcement. There were concerns that primary enforcement—which really amounts to standard enforcement like every other law—could lead to police harassment. But since the law has passed, we've found no evidence of harassment. Safety belts save children, no matter what color they are." As a result of the efforts of Delegate Benson and others who helped enact Maryland's primary law, seat belt use increased from 70 percent to 83 percent within the first year after enactment.

Motor Vehicle Deaths and Injuries Affect Minorities

Low seat belt use presents a major public health threat to minority communities. Motor vehicle crashes are the leading cause of death for African Americans from birth through 14 years of age. Crashes are the second leading cause of death for African Americans between 15 and 24 years of age.²⁰ Thousands of African Americans and Hispanics, particularly young males, are being killed and seriously injured because they do not wear seat belts. Stronger belt laws can make a major difference. In States that have upgraded to primary laws, seat belt use among minority groups has not only risen to a greater extent than among whites, it has risen almost immediately after the law was upgraded.

Observational seat belt surveys from 1994 through 2000 show that the seat belt use rate among African Americans has been 5 to 12 percentage points lower than that for whites.²¹ In 2000, the national seat belt use rate among African Americans was only 69 percent. A study conducted by Johns Hopkins University and the Insurance Institute for Highway Safety found that African American male teenagers are nearly twice as likely to die in a motor vehicle crash as male teens who are white. The risk to black children



ages five to 12 dying in a crash is almost three times as great as that of white children.²² As previously noted, Meharry Medical College reported that 100 percent seat belt use among African Americans could save 1,300 lives and prevent 26,000 injuries each year.

Because so many African Americans are dying in crashes from the lack of seat belt use, a Blue Ribbon Panel to Increase Seat Belt Use Among African Americans was formed in June 2000 to address this issue. This panel was formed as a direct result of Meharry's groundbreaking medical study and consisted of distinguished members from the medical, academic, legal, business, athletic, law enforcement, and civil rights communities. The panel's goal was to identify strategies to increase belt use among minorities; recommendations from the panel were released in December 2000. Among the recommendations were stronger seat belt laws to encourage more African Americans to buckle up.²³

Lack of seat belt use also affects Hispanics. Motor vehicle crashes are the leading cause of death for Hispanics from 1-44 years of age, and are the third leading cause of death for Hispanics of all ages surpassed only by heart disease and cancer.²⁴ A medical study in 2000 showed that Hispanic drivers have lower seat belt use rates than non-Hispanic whites, with correspondingly higher fatality rates in traffic crashes.²⁵ Another recent medical study examined motor vehicle fatality exposure rates and found that, although black and Hispanic male teenagers travel fewer vehicle miles than their white counterparts, they are nearly twice as likely to die in a motor vehicle crash.²⁶ Youth of any racial or ethnic group have a much higher risk of being involved in a crash than do adult members of that group. Unfortunately, they also have much lower seat belt use rates.

Encourage Law Enforcement to Speak Out

In order to address differential enforcement, State and local law enforcement officials are encour-

aged to review and reaffirm their departmental policies and training programs to ensure that this practice does not occur. They should also take special steps to let the public know that the harassment issue is one that they take very seriously and that they have policies and procedures in place to address it. The potential for harassment is an ongoing concern. It is not limited to, or created by, primary seat belt laws. Assurances from State and local law enforcement leaders across the nation that seat belt use laws will be enforced uniformly in all segments of the population can help alleviate concerns.

South Carolina's "Click It or Ticket" Campaign in November 2000 is an example of how effective seat belt enforcement strategies can address concerns of differential enforcement. Before this campaign was implemented, a minority spokesperson was selected to contact key groups and leaders in South Carolina to introduce the campaign. Colonel Anna Amos of the State Transport Police solicited support from the Coalition of Black Church Leaders, the Legislative Black Caucus, and the South Carolina Chapter of the National Association for the Advancement of Colored People (NAACP). When Colonel Amos addressed the South Carolina NAACP at their State Board Meeting, all Chapter Presidents from around the State were in attendance. Colonel Amos gave an overview of the campaign, entertained questions and concerns, and solicited membership support for "Click It or Ticket". At the end of the session, President Gallman's motion that the NAACP endorse and support the campaign was moved and seconded. The motion was unanimously passed.

To address concerns at the community level, regional law enforcement pre-meetings were held with key leaders in the African American and Hispanic communities to discuss the campaign and to assess community reaction to the "Click It or Ticket" strategy. Also, officers visited more than 20 predominately black schools to present the seat belt safety message during school assemblies and classroom presentations. During these visits,

officers also distributed literature about the "Click It or Ticket" Campaign and answered questions.

For the enforcement phase of the campaign, checkpoint sites were selected in high crash locations. These sites were reviewed by a minority panel to ensure fair, unbiased selection, thereby preventing any allegations of differential enforcement. Members of the Legislative Black Caucus and the Coalition of Black Church Leaders were invited to monitor checkpoint activity. A special mandatory four-hour training video on differential enforcement and conducting professional stops was presented to all members of the Highway Patrol. A hotline was established for motorists to report any harassment or suspected racial profiling. It was encouraging to find that the hotline did not receive a single complaint during this very intensive enforcement effort.

These efforts in South Carolina paid off—overall seat belt use rates increased from 66 to 74 percent and non-white use rates increased from 56 percent to 70 percent, an astounding 14 percentage point increase. A sampling of seat belt use in three rural counties (during the enforcement phase) noted usage rates as high as 83 percent. Most importantly, there was a 30 percent decrease in fatalities (31 deaths in 2000 compared to 44 fatalities during the same period in 1999).

Individual Rights

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

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

not to use a seat belt because the only one who is likely to be injured as a result is oneself. In fact, this is not true. Unbelted occupants frequently injure other occupants in a crash; unbelted drivers have much less opportunity to control their vehicle in a crash; children riding with unbelted adults are much less likely to be buckled up as compared to children riding with belted adults; and the cost of increased deaths and injuries associated with failure to use a seat belt is borne by all of us.

Who Pays the Cost?

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

In fact, eighty-five percent of all medical costs for crash victims fall on society, not on the individuals involved. When crash victims are not buckled, their costs for medical treatment are on average 55 percent higher than for those who wear seat belts. Tax dollars pay for an estimated 24 percent of the medical cost of people injured in motor vehicles. Two-thirds come from Medicaid and one third from Medicare.

Employers also pay a high price for traffic deaths and injuries. It is estimated that employer medical spending on crash injuries is nearly \$9 billion each year, and another \$9 billion is spent on sick leave and life and disability insurance for crash victims. Off-the-job crash injuries alone cost employers over \$14 billion a year.²⁷



SECTION VII

Making a Case for Primary Seat Belt Use Laws[†]

Making a case for a primary seat belt use law requires a keen understanding of the legislative process in your State. Consider the following insights gleaned from a study of six States that passed primary laws:

- Clarify the overall legislative objective—stay focused on the passage of a primary law. Understand the need for compromise on the details, e.g., exemptions and fines.
- Understand the unique complexity of the political situation in your State—learn who the players are and what leverage is available.
- Identify and respond to opposition arguments—identify opportunities for persuasive compromise and vote-changing leverage, e.g., a sunset provision, language to recognize harassment concerns.
- Identify barriers not directly related to overt opposition, e.g., a committee chair who isn't a strong supporter of traffic safety or the Governor's priorities.
- Look for emerging opportunities and threats to passage—trading support for other pending legislation, making legislative compromises, e.g., low fines.
- Identify opportunities for organizations and individuals to play effective roles—use representatives of a traffic safety coalition to testify, have individuals speak with key legislators about their concerns.
- Capitalize on dramatic incidents that affect political will—provide key legislators with statistics and the names of individuals killed in crashes in their home district, identify legislators who have been in a motor vehicle crash.

What Else Can Be Done?

Having a strong, well-written seat belt law is crucial to saving lives. In 1997, the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) published a model primary seat belt law for States to consider when upgrading their seat belt legislation (see Appendix B). Using this model law as a framework for seat belt legislation can be a tremendous help, as this sample legislation has been thoroughly researched and reviewed by traffic safety experts. NCUTLO is a private, non-profit membership organization dedicated to providing uniformity of traffic laws and regulations through the timely dissemination of information and model legislation on traffic safety issues. More information about NCUTLO is available on their website at <http://www.ncutlo.org>.

Becoming a partner in NHTSA's nationwide *Buckle Up America* Campaign can also give organizations and individuals the materials needed to help publicize the importance of primary seat belt laws. NHTSA has worked with literally hundreds of partners nationwide by providing educational resources, research data, and technical support regarding seat belt laws. For more information about the *Buckle Up America* Campaign, please visit NHTSA's web site at <http://www.nhtsa.dot.gov>.

[†] NHTSA has published two excellent resources which provide detailed information about primary seat belt laws. These publications are *Implementing a Standard Enforcement Seat Belt Law in Your State: A How-to Guide* and *Legislative History of Recent Primary Safety Belt Laws*. Both of these publications may be obtained by contacting NHTSA at the address, phone number, or web site published on page 34.

Seat belt use prevents deaths and injuries and saves money. We know from experience and scientific studies that upgrading to primary enforcement increases seat belt use by an estimated 15 percentage points almost immediately.



APPENDIX A

The Facts: It's Time to Buckle Up

Saving Lives

Motor vehicle crashes are the leading cause of death for persons of every age from 4 through 33 years of age.²⁸ On average, every 13 minutes, someone in America dies in a traffic crash; every 10 seconds, someone in America is injured.

Seat belts are the most effective safety devices in vehicles today, estimated to save over 11,000 lives each year.

Research has found that lap/shoulder safety belts, when used, reduce the risk of fatal injury to front-seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent. For light truck occupants, safety belts reduce the risk of fatal injury by 60 percent and moderate-to-critical injury by 65 percent.

In fatal crashes in 2000, 75 percent of passenger car occupants who were totally ejected from the vehicle were killed. Safety belts are effective in preventing total ejections: only 1 percent of the occupants reported to have been using restraints were totally ejected, compared with 22 percent of the unrestrained occupants.

Protecting Kids

In the United States, an average of 6 children 0-14 years old were killed and 797 were injured every day in motor vehicle crashes during 2000.

Research on the effectiveness of child safety seats has found them to reduce fatal injury by 71 percent for infants (less than 1 year old) and by 54 percent for toddlers (1-4 years old) in passenger cars. For infants and toddlers in light trucks, the corresponding reductions are 58 percent and 59 percent, respectively.

In 2000, there were 529 passenger vehicle occupant fatalities among children under 5 years of age. Of these 529 fatalities, an estimated 251 (or 47 percent) were totally unrestrained.

Among children under 5 years old, an estimated 316 lives were saved in 2000 by child restraint use. Of these 316 lives saved, 282 were associated with the use of child safety seats and 33 with the use of adult belts. At 100 percent child safety seat use for children under 5, an estimated 458 lives (that is, an additional 143) could have been saved in 2000.

Reaching Young People

In 2000, the national seat belt use rate among 16 to 24 year olds was only 69 percent.²⁹ Data suggest that education alone isn't doing the job with young people in this age group. They simply don't think about being killed or injured. Yet they are the nation's highest risk drivers, with more impaired driving, more speeding, and more crashes. Neither education nor fear of injury or death is strong enough to motivate this tough-to-reach group. Rather, stronger seat belt laws and high visibility law enforcement are proven methods to get them to buckle up.



The Facts: The Economic Cost of Non-Belt Use

The Cost to Society

Motor vehicle crashes affect both the individual crash victims and society as a whole in numerous ways. The cost of medical care, for example, is borne by the individual through payments for uninsured expenses, and by society through higher insurance premiums and through the diversion of medical resources away from other needs, such as disease control or medical research. Significant costs also are associated with the productivity that is lost when an individual's life is claimed at an early age or as a result of an injured person's disability. Those dependent on the victim suffer the immediate economic hardship from foregone income, but society also suffers through efforts to support the victim or victim's dependents and, eventually, through foregone contributions to the nation's productivity.

In 1996, NHTSA published a report³⁰ that examined these and other costs resulting from motor vehicle crashes during 1994. The purpose of the report was to place into perspective the tragic losses resulting from these crashes, and to provide information to government and private sector officials for use in structuring programs to combat these needless losses. The report found the following:



- The cost of motor vehicle crashes that occurred in 1994 was \$150.5 billion, the equivalent of \$580 for every person living in the United States.
- Each fatality resulted in lifetime economic costs to society of over \$830,000. Over 85 percent of this cost was due to lost workplace and household productivity.
- The average cost for each critically injured survivor was \$706,000. This figure is almost as high as the cost for a fatality.
- Present and future medical costs due to injuries occurring in 1994 were \$17 billion, representing 11 percent of total costs. However, medical costs accounted for 22 percent of non-fatal injury crash costs.
- Lost market productivity totalled \$42.4 billion, accounting for 28 percent of total costs, and lost household productivity totalled \$12.3 billion, representing 8 percent of total costs.
- Because of their high incidence, crashes of vehicles that sustained only property damage were the most costly type of occurrence, totalling \$38.9 billion and accounting for 26 percent of total motor vehicle crash costs.
- Property damage in all crashes (fatal and injury) as well as property-damage-only crashes totalled \$52.1 billion and accounted for 35 percent of all costs, more than any other cost category.
- Motor vehicle crash costs funded through public revenues cost taxpayers \$13.8 billion in 1994, the equivalent of \$144 in added taxes for each household in the United States.



The Cost to Employers

- On-the-job crashes cost employers almost \$22,000 per crash and \$110,000 per injury.
- In one year, off-the-job crash injuries cost employers over \$14 billion.
- Employer health care (medical) spending on crash injuries is nearly \$9 billion every year. Another \$9 billion is spent on sick leave and life and disability insurance for crash victims.

Seat Belt Use Can Reduce These Costs¹¹

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





Point-Counterpoint

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

Answer: Traffic crashes are a leading threat to public health.

Increasing seat belt use is still the single most effective and immediate way we can save lives and reduce injuries on America's roadways. Seat belts are estimated to save over 11,000 lives in America each year. And those who don't buckle up are costing all of us in lost productivity and money.

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

Answer: The facts show that education alone does not convince most young people to buckle up. Seat belt use declines from age five to about 25. For those at age 18, seat belt use is far below the national average. Why? Young people—espe-

cially young men ages 16-25—simply do not think about being injured or killed. Yet they are the nation's highest risk drivers, with more impaired driving, more speeding and more crashes. For this tough-to-reach group, stronger belt laws, enforcement and the fear of losing their driver license work when neither education nor fear of death or injury does the job.

Question: *Do we really need to make not wearing a seat belt a primary offense? Isn't a secondary law sufficient for unbuckled drivers and passengers?*

Answer: Although most States have a primary law that allows law enforcement officers to stop and ticket a violator for having a broken taillight or for having an expired license tag, not all States have a primary seat belt use law. Experience has shown that upgrading to a primary enforcement seat belt law results on average in a 15 percentage point increase in seat belt use Statewide—an indicator that secondary laws alone are not sufficient.



Myths and Facts

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

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

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

Fact: Air bags are supplemental restraints and are designed to be used with seat belts. They help protect adults in a frontal crash, but they don't provide protection in side or rear impact crashes or in rollovers. Seat belts are needed for protection in all types of crashes and work well with air bags to provide optimum safety. In fact, seat belts help prevent air bag injuries by keeping occupants the proper distance away from deploying air bags.

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

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





Child Passenger Safety: Closing the Gaps

Motor vehicle crashes are the leading cause of death for children of every age from 4 to 14 years old (based on 1998 figures, which are the latest mortality data currently available from the National Center for Health Statistics).

In the United States, an average of 6 children 0-14 years old were killed and 797 were injured every day in motor vehicle crashes during 2000.

In 2000, there were 529 passenger vehicle occupant fatalities among children under 5 years of age. Of these 529 fatalities, an estimated 251 (or 47 percent) were totally unrestrained.

Among children under 5 years old, an estimated 316 lives were saved in 2000 by child restraint use. Of these 316 lives saved, 282 were associated with the use of child safety seats and 33 with the use of adult belts. At 100 percent child safety seat use for children under 5, an estimated 458 lives (that is, an additional 143) could have been saved in 2000.

Despite widespread public education campaigns on the use of proper occupant restraints, more than 30 percent of children 5-15 years of age continue to ride unbuckled.

Although all 50 States and the District of Columbia have child safety seat laws (and all employ primary enforcement), loopholes or

gaps exist in many States' laws, leaving millions of children unprotected. The laws vary from State to State with some laws covering only young children, some covering only the front seat, and some exempting pickup trucks and vans. Also, many States fail to address the issue of children riding as passengers in the cargo area of pickup trucks. More than 100 children and teenagers die each year as a result of riding in cargo areas of pickup trucks. Other States fail to make drivers responsible for children's compliance with the law. And some laws apply only to State residents.

Also, recent studies have called attention to the need for belt positioning booster seats for children who have outgrown their child safety seats. If placed in adult belts, these children can suffer serious internal injuries, risk slipping out of the seat belt, and be ejected from a vehicle during a crash. All children who have outgrown child safety seats should be properly restrained in booster seats until they are at least 8 years old, unless they are 4 feet, 9 inches tall. NHTSA surveys show that less than seven percent of children in this weight and age group are using booster seats. In November 2000, Congress enacted the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act. This legislation requires NHTSA to develop a five-year strategic plan to reduce deaths and injuries caused by failure to use the appropriate booster seat in the 4 to 8 year old age group by 25 percent.

Children 12 and under should always ride properly restrained in the rear seat. Never place a rear-facing infant or child safety seat in front of an air bag.



To achieve reductions in injuries and fatalities among America's children, child passenger safety laws should be strengthened to close these and other gaps. All such laws should include provisions that:

Require all children up to age 16 (or the State's driving age) to be properly restrained in all seating positions;

Require all children who have outgrown child safety seats be restrained in booster seats until they are at least 8 years old, unless they are 4 feet, 9 inches tall;

Make the driver responsible for ensuring that children are placed in age- and size-appropriate restraints;

Ban passengers from the cargo area of pickup and other light trucks;

Include out-of-State vehicles, drivers, and children;

Assess a reasonable fine for noncompliance and earmark a portion of the revenues to help support State child passenger safety programs;

Eliminate exemptions and medical waivers as today's child restraint systems can accommodate children with almost any type of physical impairment; and

Require that children 12 years old and under be secured by an age-appropriate child restraint system in the rear seat of the vehicle and eliminate exemptions related to "exceeding the number of available belts or restraints in the vehicle."





APPENDIX B

Model Law

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

Section 1: Title

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

Section 2: Definitions

As used in this act:

(a) "Motor vehicle" means any motor vehicle having a gross vehicle weight of 10,000 pounds or less that is required to be equipped with safety belts by Federal Motor Vehicle Safety Primary No. 208. Passenger cars are required to have belts if built after December 31, 1967. Light trucks and multi-purpose vehicles are required to have safety belts if built after December 31, 1971.

(b) "Driver" means a person who drives or is in actual physical control of a motor vehicle.

(c) "Safety belt" means any strap, webbing, or similar device designed to secure a person in a motor vehicle including all necessary buckles and other fasteners, and all hardware designed for installing such safety belt assembly in a motor vehicle.

Section 3: Application

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

Section 4: Operation of motor vehicles with safety belts.

(a) Each driver of a motor vehicle in this State shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when operating a motor vehicle.

[(b) Alternate 1 - The driver of a motor vehicle in this State shall not operate a motor vehicle unless the driver secures or causes to be secured in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards all passengers and secures any passenger 12 or younger in the rear seat, unless all available rear seats are in use by other passengers 12 or younger.]

[(b) Alternate 2 - The driver of a motor vehicle in this State shall not operate a motor vehicle unless every occupant is secured in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards and consistent with the [State's] child restraint use law.]

(c) Every occupant of a motor vehicle in this State shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when the vehicle is in operation.

Section 5: Exemptions

(a) The provisions of sections (4) (c) shall not apply to children covered by [cite to the State's child restraint use act or law].

(b) The provisions of section (4) shall not apply to persons with a physically disabling condition whose physical disability would prevent appropriate restraint in safety belts, provided, however, such condition is duly certified by a physician who shall state the nature of the condition, as well as the reason such restraint is inappropriate.

(c) The provisions of this law shall not apply to passenger cars built prior to December 31, 1967 and possessing no safety belts.

(d) The provisions of this law shall not apply to passenger vehicles which are not required to be equipped with safety belts under federal law.

Section 6: Penalties

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

Drafters' Notes: On the Purpose:

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

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

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

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



The drafting committee notes that a number of proposals have been made (and some enacted) which would alter State tort law as applied to lawsuits arising from traffic crashes where potential plaintiffs were not wearing a safety belt. Some of these proposals would require that such noncompliance always be admissible evidence, while others would stipulate that noncompliance with a safety belt law could never be admitted into evidence. The drafting committee believes that no such provision(s) should be included in any safety belt law, and any such provisions now enacted should be repealed, in order to allow the application of traditional State tort law to determine civil lawsuit evidentiary questions.

On Section 4(b)

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

On Section 5

Taxicab exemptions are common. The following additional Section 5 (e) is offered to exempt drivers from responsibility for adult passengers but

not for underage passengers. [(e) The provisions of Section (4) (b) shall not apply to taxicab drivers [with regard to passengers age 18 or older]."

On Section 6:

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

For States with point systems:

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

For States that do not have point systems:

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

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



APPENDIX C

Resources

Federal Resources

National Highway Traffic Safety Administration
400 Seventh Street, SW
Washington, DC 20590
Phone 888/327-4236 (Auto Safety Hotline)
Web site <http://www.nhtsa.dot.gov>

Regional Administrators

REGION I (CT, ME, MA, NH, RI, VT)
Volpe National Transportation Systems Center
55 Broadway-Kendall Square, Code 903
Cambridge, MA 02142
Phone 617/494-3427
Fax 617/494-3646

REGION II (NY, NJ, PP, VI)
222 Mamaroneck Avenue, Suite 204
White Plains, NY 10605
Phone 914/682-6162
Fax 914/682-6239

REGION III (DE, DC, MD, PA, VA, WV)
10 South Howard Street
Suite 6700
Ballimore, MD 21201
Phone 410/962-0090
Fax 410/962-2770

REGION IV (AL, FL, GA, KY, MS, NC, SC, TN)
Atlanta Federal Center
61 Forsyth Street, SW, Suite 17T30
Atlanta, GA 30303
Phone 404/562-3739
Fax 404/562-3763

REGION V (IL, IN, MI, MN, OH, WI)
19900 Governors Drive Suite 201
Olympia Fields, IL 60461
Phone 708/503-8822
Fax 708/503-8991

REGION VI (AR, LA, NM, OK, TX, INDIAN NATIONS)
819 Taylor Street, Room 8A38
Fort Worth, TX 76102-6177
Phone 817/978-3653
Fax 817/978-8329

REGION VII (IA, KS, MO, NE)
901 Locust Street, Room 466
Kansas City, MO 64106
Phone 816/329-3900
Fax 816/329-3910

REGION VIII (CO, MT, ND, SD, UT, WY)
555 Zang Street, Room 430
Lakewood, CO 80228
Phone 303/969-6917
Fax 303/969-6294

REGION IX (AZ, CA, HI, NV, AMERICAN SAMOA, GUAM, NORTHERN MARIANA ISLANDS)
201 Mission Street, Suite 2230
San Francisco, CA 94105
Phone 415/744-3089
Fax 415/744-2532

REGION X (AK, ID, OR, WA)
3140 Jackson Federal Building
915 Second Avenue
Seattle, WA 98174
Phone 206/220-7640
Fax 206/220-7651

Another Federal agency that is a good source of information is:

National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594
Phone 202/314-6000
Web site <http://www.ntsb.gov>

State Resources

National Association of Governors' Highway Safety Representatives
750 First Street, NE, Suite 720
Washington, DC 20002
Phone 202/789-0942
Fax 202/789-0946
Web: <http://www.naghsr.org>



State Highway Safety Representatives and Coordinators

Alabama

Law Enforcement/Traffic Safety Division
Department of Economic & Community Affairs
P.O. Box 5690, 401 Adams Avenue, Suite 468
Montgomery, AL 36103-5690
PHONE: 334-242-5843
FAX: 334-242-0712
E-MAIL: jfry@adeca.state.al.us
WEBSITE: www.adeca.state.al.us

Alaska

Highway Safety Office
Department of Transportation & Public Facilities
3132 Channel Drive
Juneau, AK 99801-7898
PHONE: 907-465-4371
FAX: 907-463-4030
E-MAIL: mary_moran@dot.state.ak.us
WEBSITE: highwaysafetyoffice@dot.state.ak.us

Arizona

Governor's Office of Highway Safety
3030 N. Central Avenue, Suite 1550
Phoenix, AZ 85012
PHONE: 602-255-3216
FAX: 602-255-1265
E-MAIL: gohst1@qwest.net
WEBSITE: www.azgohs.state.az.us

Arkansas

Highway Safety Program
Highway & Transportation Department
P.O. Box 2261, 11300 Baseline Road
Little Rock, AR 72203
PHONE: 501-569-2648
FAX: 501-569-2651
E-MAIL: milke.sellig@ahtd.state.ar.us
WEBSITE: www.ahtd.state.ar.us

California

Office of Traffic Safety
Business, Transportation & Housing Agency
7000 Franklin Boulevard, Suite 440
Sacramento, CA 95823
PHONE: 916-262-0997
FAX: 916-262-2960
E-MAIL: cmurphy@ots.ca.gov
WEBSITE: www.ots.ca.gov

Colorado

Traffic & Safety Engineering Branch
Department of Transportation
1325 S. Colorado Boulevard, Suite B-700
Denver, CO 80222
PHONE: 303-757-9879
FAX: 303-757-9439
E-MAIL: gabriela.vidal@dot.state.co.us
WEBSITE: www.dot.state.co.us

Connecticut

Division of Highway Safety
Department of Transportation
2800 Berlin Turnpike, P.O. Box 317546
Newington, CT 06131-7546
PHONE: 860-594-2363
FAX: 860-594-2374
E-MAIL: sue.maloney@po.state.ct.us
WEBSITE: www.dot.state.ct.us

Delaware

Office of Highway Safety
P.O. Box 1321
Dover, DE 19903-1321
PHONE: 302-744-2745
FAX: 302-739-5995
E-MAIL: troberts@state.de.us
WEBSITE: www.state.de.us/highway

District of Columbia

Transportation Safety Branch
Department of Public Works
Frank D. Reeves Center
2000 14th Street, NW- 7th Floor
Washington, DC 20009
PHONE: 202-671-0492
FAX: 202-671-0617
E-MAIL: anya_lewis@hotmail.com
WEBSITE: dpw.dc.gov/main.shtml

Florida

Department of Transportation
Safety Office
605 Suwannee Street, MS 17
Tallahassee, FL 32399-0450
PHONE: 850-488-5455
FAX: 850-922-2935
E-MAIL: carla.slms@dot.state.fl.us
WEBSITE: www11.myflorida.com/safety/default.htm

Georgia

Governor's Office of Highway Safety
One Park Tower
34 Peachtree Street, Suite 1600
Atlanta, GA 30303
PHONE: 404-656-6996
FAX: 404-651-9107
E-MAIL: ymcbride@gohs.state.ga.us
WEBSITE: www.gohs.state.ga.us

Hawaii

Public Affairs
Department of Transportation
869 Punchbowl Street #506
Honolulu, HI 96813
PHONE: 808-587-2160
FAX: 808-587-2313
E-MAIL: marilyn_kall@exec.state.hi.us
WEBSITE: www.state.hi.us/dot

Idaho

Office of Highway Safety
Idaho Transportation Department
P.O. Box 7129, 3311 West State Street
Boise, ID 83707-1129
PHONE: 208-334-8101
FAX: 208-334-4430
E-MAIL: jmoore@ltd.state.id.us
WEBSITE: www2.state.id.us/ltd/index.htm

Illinois

Bureau of Safety Programs
Department of Transportation
P.O. Box 19245, 3215 Executive Park Dr.
Springfield, IL 62794-9245
PHONE: 217-782-4974
FAX: 217-782-9159
E-MAIL: carmitchelbd@nt.dot.state.il.us
WEBSITE: www.dot.state.il.us

Indiana

Governor's Council on Impaired &
Dangerous Driving
One North Capitol Avenue, Suite 1000
Indianapolis, IN 46204-2038
PHONE: 317-232-4220
FAX: 317-233-5150
E-MAIL: jmccory@cjl.state.in.us
WEBSITE: www.state.in.us

Iowa

Governor's Traffic Safety Bureau
Department of Public Safety
215 East 7th Street
Des Moines, IA 50319-0248
PHONE: 515-281-3907
FAX: 515-281-6190
E-MAIL: laskl@dps.state.ia.us
WEBSITE: www.state.ia.us/government/dps/gtsb

Kansas
 Bureau of Traffic Safety
 Department of Transportation
 Thatcher Building, 3rd Floor
 217 S.E. 4th
 Topeka, KS 66603-3504
 PHONE: 785-296-3756
 FAX: 785-291-3010
 E-MAIL: rosalle@ksdot.org
 WEBSITE: www.ink.org/public/kdot

Kentucky
 Governor's Highway Safety Program
 Bush Building, Suite 103, 403 Wapping Street
 Frankfort, KY 40601
 PHONE: 502-564-6700
 FAX: 502-564-6779
 E-MAIL: lony.young@mail.state.ky.us
 WEBSITE: www.state.ky.us/agencies/ksp/
 ksp/home.htm

Louisiana
 Department of Public Safety
 P.O. Box 66336
 Baton Rouge, LA 70896
 PHONE: 225-925-6991
 FAX: 225-922-0083
 E-MAIL: jchampag@dps.state.la.us
 WEBSITE: www.dps.state.la.us

Maine
 Bureau of Highway Safety
 Department of Public Safety
 164 State House Station
 Augusta, ME 04333-0164
 PHONE: 207-624-8756
 FAX: 207-624-8768
 E-MAIL: rrichard.e.perkins@state.me.us
 WEBSITE: www.state.me.us

Maryland
 Office of Traffic & Safety
 Maryland Highway Safety Office
 7491 Connelley Drive
 Hanover, MD 21076
 PHONE: 410-787-5824
 FAX: 410-787-4020
 E-MAIL: sbates@sha.state.md.us
 WEBSITE: www.sha.state.md.us

Massachusetts
 Governor's Highway Safety Bureau
 10 Park Plaza, Suite 5220
 Boston, MA 02116-3933
 PHONE: 617-973-8911
 FAX: 617-973-8917
 E-MAIL: nancy.luther@hsb.state.ma.us
 WEBSITE: www.massghsb.com

Michigan
 Office of Highway Safety Planning
 4000 Collins Road, P.O. Box 30633
 Lansing, MI 48909-8133
 PHONE: 517-333-5319
 FAX: 517-333-5756
 E-MAIL: lanslhm@mihighway.gov
 WEBSITE: www.ohsp.state.mi.us

Minnesota
 Office of Traffic Safety
 Department of Public Safety
 Town Square, Suite 150
 444 Cedar Street
 St. Paul, MN 55101-2150
 PHONE: 651-296-9507
 FAX: 651-297-4844
 E-MAIL: kathryn.swanson@state.mn.us
 WEBSITE: www.dps.state.mn.us

Mississippi
 Office of Highway Safety
 Division of Public Safety Planning
 3750 I-55 North Frontage Road

Jackson, MS 39211
 PHONE: 601-987-4990
 FAX: 601-987-4154
 EMAIL: kproctor@dps.state.ms.us
 WEBSITE: www.dps.state.ms.us

Missouri
 Division of Highway Safety
 1719 Southridge Drive, P.O. Box 104808
 Jefferson City, MO 65110-4808
 PHONE: 573-751-4161
 FAX: 573-634-5977
 E-MAIL: bwhtlfl@mdhs.state.mo.us
 WEBSITE: www.mdhs.state.mo.us

Montana
 Transportation Safety Bureau
 Department of Transportation
 2701 Prospect Avenue
 Helena, MT 59620-1001
 PHONE: 406-444-7301
 FAX: 406-444-7671
 EMAIL: agoke@state.mt.us
 WEBSITE: www.mdt.state.mt.us

Nebraska
 Office of Highway Safety
 Department of Motor Vehicles
 P.O. Box 94612, 301 Centennial Mall South
 Lincoln, NE 68509-4612
 PHONE: 402-471-2515
 FAX: 402-471-3865
 E-MAIL: fredz@mail.state.ne.us
 WEBSITE: www.nol.org/home

Nevada
 Highway Safety Coordinator
 Department of Public Safety/Office of Traffic Safety
 555 Wright Way
 Carson City, NV 89711-0900
 PHONE: 775-687-3243
 FAX: 775-687-5328
 E-MAIL: cabbott@dps.state.nv.us
 WEBSITE: www.ots.state.nv.us

New Hampshire
 Highway Safety Agency
 Pine Inn Plaza
 117 Manchester Street
 Concord, NH 03301
 PHONE: 603-271-2131
 FAX: 603-271-3790
 E-MAIL: hwysafety@nhhsa.state.nh.us
 WEBSITE: www.webster.state.nh.us/hsafety1

New Jersey
 Division of Highway Traffic Safety
 Department of Law & Public Safety
 P.O. Box 048
 Trenton, NJ 08625-0048
 PHONE: 609-633-9300
 FAX: 609-633-9020
 WEBSITE: www.njsaferoads.com

New Mexico
 Traffic Safety Bureau
 State Highway & Transportation Department
 604 West San Mateo
 Santa Fe, NM 87504
 PHONE: 505-827-0428
 FAX: 505-827-0431
 E-MAIL: virginia.jaramillo@nmshtd.state.nm.us
 WEBSITE: www.nmshtd.state.nm.us

New York
 Governor's Traffic Safety Committee
 New York State Department of Motor Vehicles
 6 Empire State Plaza, Room 414
 Albany, NY 12228
 PHONE: 518-474-5111
 FAX: 518-473-6946
 E-MAIL: kcarp@dmv.state.ny.us
 WEBSITE: www.nysgtsc.state.ny.us



North Carolina

Governor's Highway Safety Program
215 East Lane Street
Raleigh, NC 27601
PHONE: 919-733-3083
FAX: 919-733-0604
E-MAIL: dnull@dot.state.nc.us
WEBSITE: www.ncdot.org

North Dakota

Drivers License & Traffic Safety Division
North Dakota Department of Transportation
608 E. Boulevard Avenue
Bismarck, ND 58505-0700
PHONE: 701-328-4865
FAX: 701-328-2435
E-MAIL: mlembke@state.nd.us
WEBSITE: www.dlscdiscovernd.com/dot

Ohio

Governor's Highway Safety Office
Department of Public Safety
1970 W. Broad Street, P.O. Box 182081
Columbus, OH 43218-2081
PHONE: 614-466-3250
FAX: 614-728-8330
E-MAIL: laling@dps.state.oh.us
WEBSITE: www.state.oh.us/odps/oghsr/default.html

Oklahoma

Highway Safety Office
3223 N. Lincoln
Oklahoma City, OK 73105
PHONE: 405-523-1580
FAX: 405-523-1586
E-MAIL: jmcdonal@dps.state.ok.us
WEBSITE: www.dps.state.ok.us
www.buckleupoklahoma.com

Oregon

Transportation Safety Division
Oregon Department of Transportation
235 Union Street, NE
Salem, OR 97301-1054
PHONE: 503-986-4192
FAX: 503-986-4341
E-MAIL: troy.e.costales@odot.state.or.us
WEBSITE: www.odot.state.or.us/transafety

Pennsylvania

Bureau of Highway Safety & Traffic Engineering
P.O. Box 2047
Harrisburg, PA 17105-2047
PHONE: 717-787-7350
FAX: 717-783-8012
E-MAIL: bryerfb@dot.state.pa.us
WEBSITE: www.dot.state.pa.us

Puerto Rico

Puerto Rico Traffic Safety Commission
Box 41289, Minillas Station
Santurce, PR 00940
PHONE: 787-721-4142 ext. 2211
FAX: 787-723-8040
E-MAIL:
WEBSITE: www.dtop.gov.pr/fr/index.htm

Rhode Island

Department of Transportation
2 Capitol Hill
Providence, RI 02903-1124
PHONE: 401-222-2481
FAX: 401-222-2086
E-MAIL: wda@dot.state.ri.us
WEBSITE: www.dot.state.ri.us

South Carolina

Office of Highway Safety
Department of Public Safety
500 Broad River Road
Columbia, SC 29212-3540
PHONE: 803-896-9963
FAX: 803-896-9978
E-MAIL: maxyoung@scdps.net
WEBSITE: www.scdps.org/ohs/

South Dakota

Office of Highway Safety
Department of Commerce & Regulation
118 West Capital
Pierre, SD 57501
PHONE: 605-773-4493
FAX: 605-773-6893
E-MAIL: roy.meyer@state.sd.us
WEBSITE: www.state.sd.us/hwysafety

Tennessee

Governor's Highway Safety Office
Department of Transportation
500 Deaderick Street, Suite 800
Andrew Jackson Building
Nashville, TN 37243-0341
PHONE: 615-741-7590
FAX: 615-253-5523
E-MAIL: avictorline@mail.state.tn.us
WEBSITE: www.state.tn.us

Texas

Traffic Operations Division
Department of Transportation
125 East 11th Street
Austin, TX 78701-2483
PHONE: 512-416-3167
FAX: 512-416-3349
E-MAIL: sbryant@dot.state.tx.us
WEBSITE: www.dot.state.tx.us

Utah

Office of Highway Safety
Department of Public Safety
5263 South, 300 West, Suite 202
Salt Lake City, UT 84107
PHONE: 801-293-2481
FAX: 801-293-2498
E-MAIL: dbeach@dps.state.ut.us
WEBSITE: www.dps.state.ut.us

Vermont

Governor's Highway Safety Program
Department of Public Safety
5 Park Row
Waterbury, VT 05676
PHONE: 802-241-5501
FAX: 802-241-5558
E-MAIL: lejohnso@dps.state.vt.us
WEBSITE: <http://170.222.24.9/cjs/ghsp.htm>

Virginia

Transportation Safety Services
Department of Motor Vehicles
P.O. Box 27412, 2300 West Broad Street
Richmond, VA 23269
PHONE: 804-367-8140
FAX: 804-367-6631
E-MAIL: dmvymb@dmv.state.va.us
WEBSITE: www.dmv.state.va.us

Washington

Washington Traffic Safety Commission
P.O. Box 40944, 1000 S. Cherry Street
Olympia, WA 98504-0944
PHONE: 360-753-6197
FAX: 360-586-6489
E-MAIL: slind@wtsc.wa.gov
WEBSITE: www.wa.gov/wtsc

West Virginia

Driver Services
Division of Motor Vehicles
1800 Kanawha Boulevard East
Capitol Complex, Building 3, Room 118
Charleston, WV 25317
PHONE: 304-558-1515
FAX: 304-558-0037
E-MAIL: dbolyard@dot.state.wv.us
WEBSITE: www.wvdot.com

Wisconsin
 Bureau of Transportation Safety
 Department of Transportation
 P.O. Box 7936, 4802 Sheboygan Avenue, Room 133
 Madison, WI 53707
 PHONE: 608-266-0402
 FAX: 608-267-0441
 E-MAIL: john.evans@dot.state.wi.us
 WEBSITE: www.dot.state.wi.us

Wyoming
 Highway Safety Program Supervisor
 Wyoming Transportation Department
 P.O. Box 1708
 Cheyenne, WY 82003-1708
 PHONE: 307-777-4257
 FAX: 307-777-4250
 E-MAIL: tfante@mtssc.state.wy.us
 WEBSITE: wydotweb.state.wy.us

American Samoa
 Department of Public Safety
 P.O. Box 1086
 Pago Pago, AS 96799
 PHONE: 011-684-633-1111
 FAX: 011-684-633-7296
 E-MAIL:
 WEBSITE: www.samoanet.com/asg/asgdps97.html

Guam
 Office of Highway Safety
 Department of Public Works, Gov't of Guam
 542 N. Marine Drive
 Tamuning, GU 96901
 PHONE: 671-647-5059
 FAX: 671-646-3733
 E-MAIL:
 WEBSITE: www.gov.gu

Northern Mariana Islands
 Office of Highway Safety
 Department of Public Safety
 P.O. Box 791 C.K.
 Saipan, MP 96950
 PHONE: 670-664-9120
 FAX: 670-664-9141
 E-MAIL: ckn288@aol.com
 WEBSITE: www.dps.gov.mp

Virgin Islands
 Governor's Representative
 Office of Highway Safety
 Lagoon St. Complex, Fredericksted
 St. Croix, VI 00840
 PHONE: 340-776-5820
 FAX: 340-774-9208
 E-MAIL: wyllell@hotmail.com
 WEBSITE: www.gov.vi/

Indian Nations
 Indian Highway Safety Program
 Bureau of Indian Affairs
 Department of the Interior
 505 Marquette, NW- Suite 1425
 Albuquerque, NM 87102-2181
 PHONE: 505-248-5054
 FAX: 505-248-5064
 E-MAIL: patriciajacobs@bia.gov

Private Sector

National Safety Council
 Web site <http://www.nsc.org>

Main office:
 1121 Spring Lake Drive
 Itasca, IL 60143-3201
 Phone 708/285-1121

Washington, D.C. office:
 1025 Conn. Ave., NW, Suite 1200
 Washington, DC 20036-5405
 Phone 202/293-2270
 Fax 202/293-0032

In addition, two special National Safety Council projects may be of interest:

National Safety Belt Coalition
 1025 Conn. Ave., NW, Suite 1200,
 Washington, DC 20036-5405
 Phone 202/296-6263
 Fax 202/293-0032
 Web site <http://www.nsc.org/traf/sbc.htm>
 E-mail: guzzeltc@nsc.org or buckle1up@aol.com

Air Bag & Seat Belt Safety Campaign
 1025 Conn. Ave., NW, Suite 1200,
 Washington, DC 20036-5405
 Phone 202/625-2570
 Fax 202/822-1399
 Web site <http://www.nsc.org/airbag.htm>
 E-mail: airbag@nsc.org

Other private sector organizations

American Automobile Association
 1000 AAA Drive
 Heathrow, Florida 32746-5063
 407/444-7000
 Web site <http://www.aaa.com>

American Coalition for Traffic Safety
 1110 N. Glebe Road, Suite 1020
 Arlington, VA 22201
 Phone: 703/243-7501

Insurance Institute for Highway Safety
 1005 North Glebe Road, Suite 800
 Arlington, Virginia 22201
 703/247-1500
 Web site <http://www.hwysafety.org>

International Association of Chiefs of Police
 515 North Washington Street
 Alexandria, Virginia 22314
 703/836-6767
 Web site <http://www.theiacp.org>

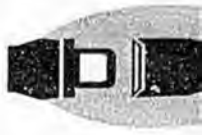
National Committee on Uniform Traffic Laws and Ordinances
 107 S. West Street, Suite 110
 Alexandria, VA 22314
 Phone 800/807-5290
 Fax 540/465-5383
 Web site <http://www.ncutlo.org>

National SAFE KIDS Campaign
 1301 Pennsylvania Avenue, NW, Suite 1000
 Washington, DC 20004
 Phone 202/662-0600
 Web site <http://www.safekids.org>

National Sheriffs' Association
 1450 Duke Street
 Alexandria, VA 22314
 Phone: 703/836-7827
 Fax: 703/683-6541
 Web site: www.sheriffs.org

Network of Employers for Traffic Safety (NETS)
 1900 L Street NW, Suite 705
 Washington, DC 20036
 Phone 202/452-6005
 Fax 202/223-7012
 Web site <http://www.trafficsafety.org>

Transportation Research Board
 2101 Constitution Avenue NW
 Washington, DC 20418
 Phone 202/334-2934
 Web site <http://www.nas.edu/trb/>



References

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- ⁵ Observed Shoulder Belt Use from the June 2001 MiniNOPUS, National Highway Traffic Safety Administration, DOT HS 809 319, August 2001.
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- ¹¹ *Achieving Increased Seat Belt Use In Diverse Communities: The Law Enforcement Role*, Report of the 2001 National Summit, January, 2001.
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- ¹⁶ Ulmer, R.G., Preusser, C.W., Preusser, D.F. *Evaluation of California's Safety Belt Law Change to Primary Enforcement*. National Highway Traffic Safety Administration, DOT HS 808 205, 1994.
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- ¹⁹ Information accessed from Air Bag & Seat Belt Safety Campaign web site at <http://www.nsc.org/partners/primary.htm> on October 19, 2001.
- ²⁰ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 1998.
- ²¹ National Occupant Protection Use Survey (NOPUS) 2000 Controlled Intersection Study, July 2001, DOT HS 809 318.
- ²² Information accessed from Air Bag & Seat Belt Safety Campaign web site at <http://www.nsc.org/partners/primary.htm> on October 19, 2001.
- ²³ *Blue Ribbon Panel to Increase Seat Belt Use Among African Americans: A Report to the Nation*, December 2000, p. 11, DOT HS 809 185.
- ²⁴ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 1998.
- ²⁵ *Annals of Emergency Medicine*, December 2000; 36(6):589-596.
- ²⁶ *Archives Of Pediatric & Adolescent Medicine*, 1998;152: 1209-1212.
- ²⁷ *What Do Traffic Crashes Cost?* National Highway Traffic Safety Administration, DOT HS 808 478, December 1996.
- ²⁸ *Traffic Safety Facts 2000, Overview*, The National Highway Traffic Safety Administration, DOT HS 809 329.
- ²⁹ National Occupant Protection Use Survey-2000, Controlled Intersection Study, The National Highway Traffic Safety Administration, DOT HS 809 318, August 2001.
- ³⁰ *The Economic Costs of Motor Vehicle Crashes, 1994*; published on the NHTSA web site at <http://www.nhtsa.dot.gov>.
- ³¹ *The Presidential Initiative for Increasing Seat Belt Use Nationwide*, National Highway Traffic Safety Administration, DOT HS 808 576, April 1997; statistics given reflect data from 1996.



2003 HIGHWAY FATALITIES

TOTAL 94

27	Anchorage Area
21	Mat/Su Area
19	Kenai Peninsula
12	Fairbanks Area
2	Denali Area
5	Southeastern
8	All Other Areas

Alaska Highway Safety Office

Anchorage

Crash Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
1/3/2003	Anchorage	Minnesota/Tudor	Angle	Car	Unk
1/15/2003	Eagle River	Eagle River Rd	Angle	Car	Yes
2/7/2003	Anchorage	Minnesota Blvd	Overturn	Car	No
2/20/2003	Anchorage	Rabbit Creek/Lamb	Collision w/Cable Pole	Car	Unk
2/22/2003	Anchorage	Squaw Creek Rd	Tree	Snowmobile	NA
3/1/2003	Anchorage	Glenn/Bragaw	Ped	Pedestrian	NA
3/6/2003	Anchorage	Glenn Hwy	Rearend	Car	Yes
3/8/2003	Anchorage	Debarr Rd	Ped	Pedestrian	NA
3/11/2003	Anchorage	Glenn Hwy	Moose	Car	Unk
4/20/2003	Anchorage	Glenn Hwy	Overturn	Car	Yes
					Unk
5/3/2003	Anchorage	Glenn Hwy	Culvert	Motorcycle	NA
5/18/2003	Anchorage	Minnesota Blvd	Light Pole	Motorcycle	NA
6/9/2003	Anchorage	International Airport/Arctic	Bike	Bicyclist	NA
6/28/2003	Anchorage	Seward Hwy	Overturn	SUV	Unk
6/29/2003	Eagle River	Eagle River Rd	Overturn	Truck	No
7/6/2003	Anchorage	Minnesota/Benson	T-Bone	Car	No
7/7/2003	Anchorage	Seward Hwy	Guard Rail	Motorcycle	NA
8/30/2003	Anchorage	Minnesota Blvd	Guard Rail	Motorcycle	NA
9/11/2003	Anchorage	O'Malley/Janet Lee Circle	Overturn	SUV	N
10/6/2003	Anchorage	Lake Otis Pkwy	Ped	Pedestrian	NA
11/5/2003	Eagle River	Old Glenn Hwy	Ped	Pedestrian	NA
11/13/2003	Anchorage	Dowling Rd	Headon	Truck	Unk
11/21/2003	Girdwood	Seward Hwy	T-Bone	Car	Yes
12/9/2003	Anchorage	Debarr Rd	Headon	SUV	unk
12/16/2003	Anchorage	36th Ave	Angle	Car	Yes
12/16/2003	Anchorage	Gambell St	Light Pole	Car	No

Seatbelt Used 5
 Seatbelt Not Used 4
 Seatbelt Use Unknown 7

 Motorcycle 4
 Bicyclist 1
 Pedestrian 4

2nd person in auto

More people
 died using their
 seat belt, than
 those that didn't!

 Seatbelt Used - 5
 " Not Used - 4

27

Anchorage

Crash Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
1/3/2003	Anchorage	Minnesota/Tudor	Angle	Car	Unk
1/15/2003	Eagle River	Eagle River Rd	Angle	Car	Yes
2/7/2003	Anchorage	Minnesota Blvd	Overturn	Car	No
2/20/2003	Anchorage	Rabbit Creek/Lamb	Collision w/Cable Pole	Car	Unk
2/22/2003	Anchorage	Squaw Creek Rd	Tree	Snowmobile	NA
3/1/2003	Anchorage	Glenn/Bragaw	Ped	Pedestrian	NA
3/6/2003	Anchorage	Glenn Hwy	Rearend	Car	Yes
3/8/2003	Anchorage	Debarr Rd	Ped	Pedestrian	NA
3/11/2003	Anchorage	Glenn Hwy	Moose	Car	Unk
4/20/2003	Anchorage	Glenn Hwy	Overturn	Car	Yes
					Unk) *
5/3/2003	Anchorage	Glenn Hwy	Culvert	Motorcycle	NA
5/18/2003	Anchorage	Minnesota Blvd	Light Pole	Motorcycle	NA
6/9/2003	Anchorage	International Airport/Arctic	Bike	Bicyclist	NA
6/28/2003	Anchorage	Seward Hwy	Overturn	SUV	Unk
6/29/2003	Eagle River	Eagle River Rd	Overturn	Truck	No
7/6/2003	Anchorage	Minnesota/Benson	T-Bone	Car	No
7/7/2003	Anchorage	Seward Hwy	Guard Rail	Motorcycle	NA
8/30/2003	Anchorage	Minnesota Blvd	Guard Rail	Motorcycle	NA
9/11/2003	Anchorage	O'Malley/Janet Lee Circle	Overturn	SUV	N
10/6/2003	Anchorage	Lake Otis Pkwy	Ped	Pedestrian	NA
11/5/2003	Eagle River	Old Glenn Hwy	Ped	Pedestrian	NA
11/13/2003	Anchorage	Dowling Rd	Headon	Truck	Unk
11/21/2003	Girdwood	Seward Hwy	T-Bone	Car	Yes
12/9/2003	Anchorage	Debarr Rd	Headon	SUV	unk
12/16/2003	Anchorage	36th Ave	Angle	Car	Yes
12/16/2003	Anchorage	Gambell St	Light Pole	Car	No

Seatbelt Used 5
 Seatbelt Not Used 4
 Seatbelt Use Unknown 7

 Motorcycle 4
 Bicyclist 1
 Pedestrian 4

2nd person in Auto

*Make sure you have
 all the info that
 you need for
 the report!*

27

Matsu

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
1/6/2003	Big Lake	Parks/Big Lake	Headon	Snowmobile	NA
2/28/2003	Wasilla	Stacy	Overturn	Car	No
3/24/2003	Chickaloon	Glenn Hwy	T-Bone	Car	Yes
3/26/2003	Chulitna	Parks Hwy	Headon	Car	Yes
3/29/2003	Wasilla	Fairview	Tree	Truck	Yes
4/30/2003	Wasilla	Knik Goose Bay	Overturn	Car	No
5/23/2003	Sutton	Glenn Hwy	Headon	Motorcycle	NA
5/25/2003	Wasilla	Bogard Rd	Headon	Car	Yes
6/2/2003	Big Lake	Hollywood Rd	Overturn	SUV	No
6/9/2003	Wasilla	Bogard/Engstrom	Headon	Motorcycle	NA
6/22/2003	Palmer	Parks Hwy	Overturn	Car	No
6/28/2003	Sutton	Glenn Hwy	Ditch	Motorcycle	NA
7/9/2003	Trapper Cre	Parks Hwy	Headon	Motorcycle	NA
				Motorcycle	NA
7/20/2003	Wasilla	Knik Goose Bay Rd	Headon	Truck	Yes
7/21/2003	Non-City	Glenn Hwy	Angle	Car	Yes
8/10/2003	Talkeetna	Beaver Rd	Ran off Rd	Motorcycle	NA
10/8/2003	Palmer	Palmer-Fishhook Rd	Rearend	ATV	NA
10/25/2003	Sutton	Jonesville Rd	Ditch	Car	No
11/21/2003	Palmer	Glenn Hwy	Headon	Car	Yes
11/23/2003	Palmer	Trunk Rd	Ditch	Truck	Yes

Seatbelt Used 8
 Seatbelt Not Used 5
 Seatbelt Use Unknown 0

Motorcycle 6
 Bicyclist 0
 Pedestrian 0

2nd person

21

Kenai Peninsula

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
1/4/2003	Soldotna	Holt Lamplight	Ditch	Truck	No
2/2/2003	Cooper Landing	Sterling Hwy	Ditch	Truck	Yes
3/22/2003	Anchor Point	Sterling Hwy	Headon	SUV	Yes
5/5/2003	Kenai	Seward Hwy	Overturn	Truck	No
7/21/2003	Homer	Sterling Hwy	Headon	Car	No
					Yes
8/15/2003	Turnagain Pass	Seward Hwy	Angle	Car	Unk
					Unk
					Unk
8/20/2003	Turnagain Pass	Seward Hwy	Headon	Car	Yes
					Yes
					N
8/28/2003	Cooper Landing	Sterling Hwy	Headon	Car	No
9/7/2003	Seward	4th Ave	Parked Car	Motorhome	Unk
9/10/2003	Cooper Landing	Sterling Hwy	Rollover	SUV	No
10/7/2003	Soldotna	Holt Lamplight	Rollover	Minivan	No
11/2/2003	Soldotna	K Beach/Sterling	Angle	Car	Unk
11/4/2003	Nikiski	Douglas Ln	Rollover	Truck	Yes
11/25/2003	Soldotna	Sterling Hwy	Headon	Car	Yes

Seatbelt Used 7
 Seatbelt Not Used 6
 Seatbelt Use Unknown 5

Motorcycle 0

Bicyclist 0

Pedestrian 0

2ND PERSON

2ND & 3RD PERSON

2ND & 3RD PERSON

Fairbanks North Star Borough

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
1/18/2003	Fort Yukon		Ped	Pedestrian	NA
4/14/2003	North Pole	Persinger Rd	Snow Berm	Motorcycle	NA
5/1/2003	Fairbanks	Peger Rd	Bike	Bicyclist	NA
7/15/2003	North Pole	Hurst Rd Extension	Headon	Van	No ↗
					No ↗ *
8/20/2003	Fairbanks	Chena Hot Springs Rd	Overturn	Car	No
9/22/2003	Fairbanks	Cushman/2nd	Bike	Bicyclist	NA
9/26/2003	Fairbanks	Parks Hwy	Headon	Jeep	Yes
11/19/2003	Fairbanks	Parks Hwy	Rear End	Car	No

2nd person

Seatbelt Used	1
Seatbelt Not Used	4
Seatbelt Use Unknown	0
Motorcycle	1
Bicyclist	2
Pedestrian	1

9

Southeast Fairbanks

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
4/19/2003	Delta Junction	Alaska Hwy	Moose	Car	Yes
9/28/2003	Delta Junction	Richardson Hwy	Overturn	Car	Yes
10/12/2003	Delta Junction	Barley Wy	Overturn	Truck	No

Seatbelt Used 2
Seatbelt Not Used 1
Seatbelt Use Unknown 0

Motorcycle 0
Bicyclist 0
Pedestrian 0

3

Denali

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
1/21/2003	Koliganek	Airport Rd	Overturn	Car	No
8/10/2003	Cantwell	Parks Hwy	Angle	Motorcycle	NA

2

Seatbelt Used	0
Seatbelt Not Used	1
Seatbelt Use Unknown	0
Motorcycle	1
Bicyclist	0
Pedestrian	0

Juneau

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
7/22/2003	Juneau	Mendenhall/Stephen Richards	T-Bone	Car	Yes
10/20/2003	Juneau	Mendenhall/Stephen Richards	Bike	Bicyclist	NA

2

Seatbelt Used	1
Seatbelt Not Used	0
Seatbelt Use Unknown	0
Motorcycle	0
Bicyclist	1
Pedestrian	0

Sitka

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
12/26/2003	Sitka	Charlie Joseph/Andrew Hope	Ped	Pedestrian	NA

Seatbelt Used 0
Seatbelt Not Used 0
Seatbelt Use Unknown 0

Motorcycle 0
Bicyclist 0
Pedestrian 1

Wrangell-Petersburg

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
1/10/2003	Petersburg	Sing Lee Alley	Rollover	Car	Yes ↑
					Yes ↓ *

2nd person

Seatbelt Used	2
Seatbelt Not Used	0
Seatbelt Use Unknown	0
Motorcycle	0
Bicyclist	0
Pedestrian	0

2

Bethel

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
8/21/2003	Bethel	Main St	Ped	Pedestrian	NA

Seatbelt Used 0
Seatbelt Not Used 0
Seatbelt Use Unknown 0

Motorcycle 0
Bicyclist 0
Pedestrian 1

Dillingham

Date	City	Street	Collision 1	Vehicle Type	Seatbelt Use
1/21/2003	Koliganek	Airport Rd	Overturn	Car	No
7/1/2003	Clarks Point	Hillcrest Rd	Headon	ATV	NA

2-

Seatbelt Used 0
Seatbelt Not Used 1
Seatbelt Use Unknown 0

Motorcycle 0
Bicyclist 0
Pedestrian 0

Non-Borough

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
7/1/2003	Non-City	Glenn Hwy	Overturn	Truck	No ↗
					No ↗ *
9/20/2003	Non-City	Richardson Hwy	Overturn	SUV	Yes

2ND PERSON

Seatbelt Used 1
 Seatbelt Not Used 2
 Seatbelt Use Unknown 0

Motorcycle 0
 Bicyclist 0
 Pedestrian 0

3

Yukon-Koyukuk

Date	City	Street	Collision Type	Vehicle Type	Seatbelt Use
10/15/2003	Nenana	Parks Hwy	Ped	Pedestrian	NA
12/18/2003	Nulato	Unk	Snow Berm	Snowmobile	NA

2

Seatbelt Used	0
Seatbelt Not Used	0
Seatbelt Use Unknown	0
Motorcycle	0
Bicyclist	0
Pedestrian	1

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

February 26, 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.

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.

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Alaska Civil Liberties Union

An Affiliate of the American Civil Liberties Union

P. O. Box 201844, Anchorage, AK 99520-1844

Phone: (907) 258-0044 Fax: (907) 258-0288 Email: akclu@alaska.net

To: Senate State Affairs Committee
CC: Senator Con Bunde
From: Jennifer Rudinger, Executive Director
Date: February 26, 2004

Re: Statement in Opposition to Senate Bill 316, Making Failure to Wear a Seat Belt a Primary Offense

As an organization with approximately 1,800 members and supporters throughout the State of Alaska dedicated to preserving the guarantees of individual liberty, privacy and equality found in the Alaska Constitution and the US Bill of Rights, the Alaska Civil Liberties Union (AkCLU) is very concerned about any attempt to pass a "primary seat belt law" without the inclusion of meaningful language to prevent its use as a tool for harassment.

Passage of a "primary" seat belt law will give police an enormous expansion of discretion in deciding whom to pull over for traffic stops. Statistics show that, even with passage of a primary law, many people will not be wearing a seat belt. The AkCLU has been hearing an increasing number of serious complaints that police in various parts of the state -- using current traffic laws -- disproportionately stop and search people of color. If that is happening now, as many of us have reason to believe, we are especially wary of giving police even greater discretionary powers for traffic stops. Based on the most recently available statistics for Alaska and trends in states that have primary seat belt laws, we estimate that roughly 15 - 20% of Alaskan drivers will still choose not to wear a seat belt if SB 316 passes. That's one out of every five or six cars! Obviously, the police are not going to be able to stop all of the cars in which a driver or passenger is violating the seat belt law. How will they choose which of these many violators to pull over? There is a very real concern that these laws will be disproportionately enforced in poor neighborhoods and against people of color.

We fully recognize the sponsor's public health and safety concerns that are prompting this bill. If the Legislature sees fit to make failure to wear a seat belt a primary offense, we believe that an amendment to SB 316 is a reasonable compromise: the state will have primary seat belt enforcement power, but police will not be able to use seat belt violations as a pretext for pulling people over for other reasons and then seeking consent to search their cars.

We are hopeful that the supporters of this bill will also support the proposed amendment. From our perspective, there can be only one reason *not* to accept this amendment: to, in fact, give police the power to use a "seat belt law" to pull cars over for other reasons in order to search vehicles that they otherwise have no legitimate basis for stopping or searching.

PROPOSED AMENDMENT TO SB 316

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

EXPLANATION OF AMENDMENT

1. “No law enforcement officer shall use AS 28.05.095 as the basis for stopping a motor vehicle for other reasons, and no operator of a motor vehicle shall be requested to consent to a search by a law enforcement officer of his or her motor vehicle which is stopped solely for a violation of AS 28.05.095.” This sentence prohibits what should be prohibited: use of the seat belt law to pull people over for other reasons and to use the stop as an excuse for obtaining consent to search a vehicle.


2. “Any evidence obtained as a result of a search prohibited by this section shall be inadmissible in any judicial proceeding.” This sentence, by providing a remedy for illegal searches, is designed to deter any violations of the ban contained in the first sentence. Without it, the ban on pretext stops is virtually meaningless.

3. “A person may not be placed under arrest solely for a violation of AS 28.05.095.” This sentence ensures that no one will be placed under arrest solely for failure to wear a seat belt.

4. “Nothing herein shall be construed to preclude a search based upon any legally sufficient cause to believe that a search will uncover contraband or evidence of a crime.” This final sentence ensures that the ban on pretext stops and searches will not be interpreted to ban legitimate searches when the officer finds grounds for a search after nulling the car over.

We urge you to oppose this bill unless the enclosed amendment is adopted. Thank you for your attention to this important matter.

Sincerely,


Jennifer Rudinger
Executive Director



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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: \$252 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.

* * * * *



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 6 lives each year.

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.


Legislative Research Services

Alaska State Legislature
Legislative Affairs Agency
Division of Legal and Research Services

State Capitol
Juneau, AK 99801
Phone: 907-465-3991
Fax: 907-465-3908

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

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.

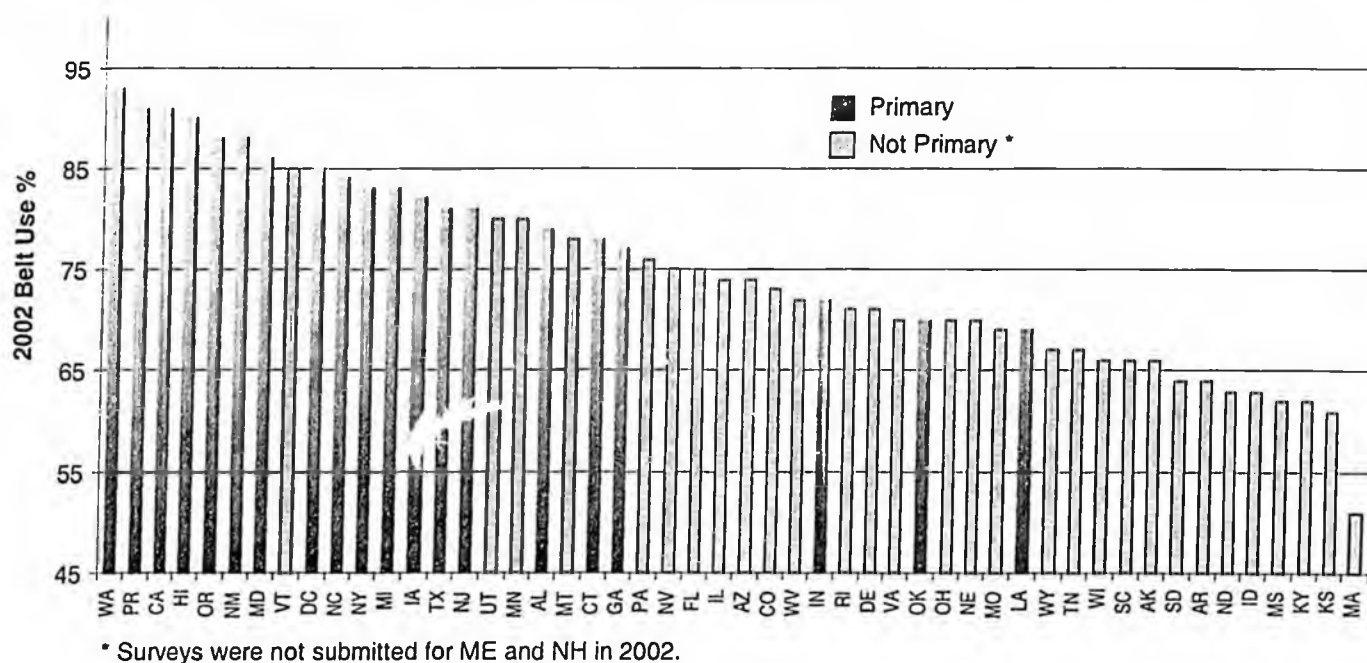


FIGURE 1. Belt use rates in 2002 (Data Source: NHTSA).

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.

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).

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

	States without Primary Laws	If Primary Law	Lives Lost
Unbelted Dead	79950	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



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	Requirement	Age Group	Fine	Notes
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 ³
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.

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NSC News Center

[NSC Home](#) > [NSC News Center](#) > [News Release](#)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
A Membership Organization Dedicated to Protecting Life and Promoting Health
1121 Spring Lake Drive, Itasca, IL 60143-3201
Tel: (630) 285-1121; Fax: (630) 285-1315

November 25, 2003

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.

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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 Fatal	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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 - ⁹ Report on Injury Prevention Activities of Community Health and EMS Targeting Medicaid-Eligible Youth, by Martha Moore and the State Injury Prevention staff, 2003.
 - ¹⁰ NHTSA, Status of Occupant Protection in America, Buckle Up America Report, Nov. 2001.

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!

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.



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Bill Graves
President and Chief Executive Officer

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.

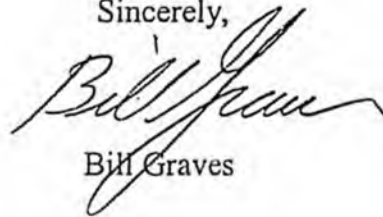
As the national trade association that actively promotes highway safety while representing every type and class of motor carrier in the trucking industry, the American Trucking Associations (ATA) is concerned that the usage rate among truck drivers falls well short of the nationwide average among passenger 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.

The Honorable Frank Murkowski
February 13, 2004
Page Two

You can help us increase safety belt usage among truck drivers. By championing a primary safety belt law, you can provide strong support to this important public safety initiative to save more lives. If your staff would like to discuss ATA's work on this issue, please have them contact ATA's Safety & Operations Department at (703) 838-1847.

Sincerely,

A handwritten signature in cursive script that reads "Bill Graves". The signature is written in black ink and is positioned above the printed name.

Bill Graves

CC: Norman Y. Mineta, Secretary, U.S. Department of Transportation
Jeffrey W. Runge, M.D., Administrator, National Highway Traffic Safety
Administration
Annette M. Sandberg, Administrator, Federal Motor Carrier Safety Administration
Mike Barton, Acting Commissioner, Alaska Department of Transportation & Public
Facilities
William Tandeske, Commissioner, Alaska Department of Public Safety
Michael Bell, Alaska Trucking Association, Inc.



**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 TRANSPORTATION

ON

SENATE BILL 316

PRIMARY SAFETY BELT ENFORCEMENT

JUNEAU, ALASKA

FEBRUARY 26, 2004

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 30 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.

###



ANCHORAGE POLICE DEPARTMENT MEMORANDUM

Service Since 1921

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.

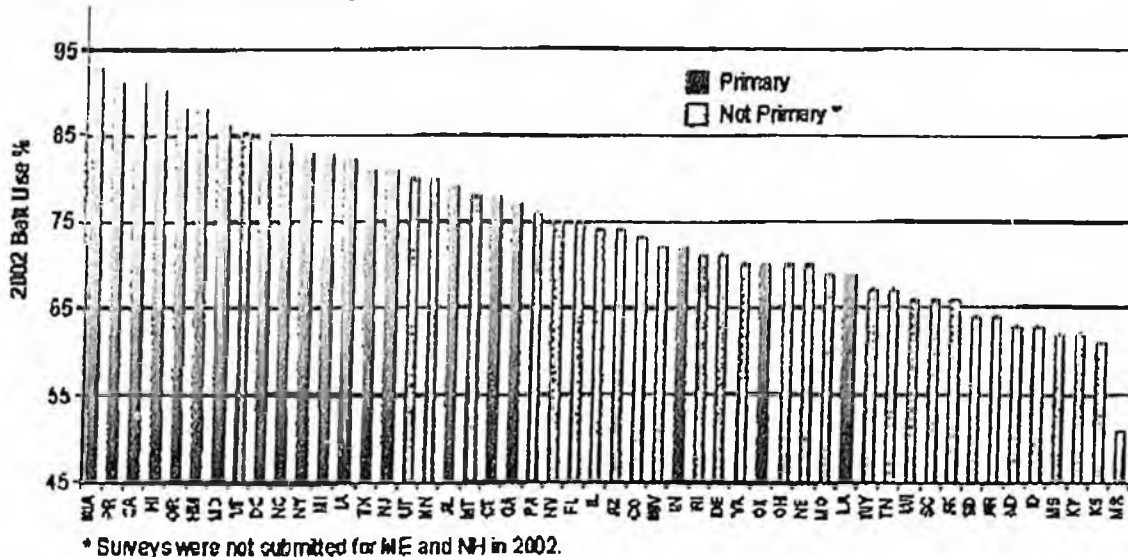


FIGURE 1. Belt use rates in 2002 (Data Source: NHTSA).

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

vice-president

MADD Fairbanks Chapter

2/18/2004



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



FAIRBANKS POLICE

911 Cushman Street
Fairbanks, Alaska 99701-4616
Phone: (907) 459-6500
Fax: (907) 452-1588
Email: fpd@ci.fairbanks.ak.us



Senator Con Bunde
State Capital Room 506
Juneau, AK 99801

February 18, 2004

Dear Senator Bunde,

I want to take the time to encourage you to support a change to State Law that would make the use of seatbelts truly mandatory. The current situation having a law that only allow a peace officer in the state to cite for a seatbelt violation when they stop a car for another violation is counter productive to having safe highways.

It has been clearly shown that seatbelts reduce injuries and fatalities. Failure to wear a seatbelt is clearly a safety violation. This seems to be like telling a police officer that it is a violation to consume alcoholic beverages while driving but they can not stop a vehicle if they clearly see a driver drinking a beer unless the driver is speeding or runs a stop sign. Using this line of reasoning drinking alcoholic beverages while driving is no less safe then drinking a cup of coffee unless you have a wreck. This is a little silly given what we know about the cost of alcohol related traffic crashes. It seems to me the same thing applies to seatbelt usage. If failure to wear a seatbelt is a safety violation (and we know it is): Why do we not allow police officers the ability to correct the unsafe behavior before there is a violation that could result in an accident with injuries?

Making failure to wear a seatbelt a primary violation in the State of Alaska will cause more people to wear seatbelts and our highways will be safer. When our citizens are involved in traffic accidents the injuries will be less severe and lives will be saved.

Thank you for supporting safer highways in Alaska.

Sincerely

A handwritten signature in cursive script, appearing to read "Paul G. Harris".

Paul G. Harris
Director
Fairbanks Police Department

**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,

A handwritten signature in cursive script that reads "Ron Perkins".

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

**ALPHA****ALASKA PUBLIC HEALTH ASSOCIATION**

Committed To Advancing Alaska's Public Health Since 1978

Testimony Provided to (S)State Affairs February 26, 2004
Re: SB 316 "Primary Seat Belt Law"

Chairman Stevens, members of the State Affairs Committee, thank you for the opportunity to testify today. My name is Marie Lavigne, I am the Executive Director of the Alaska Public Health Association. I am honored to be here representing over two hundred public health professionals from across Alaska who are deeply committed to developing sound public health policy to improve the health of all Alaskans.

The Alaska Public Health Association and our national organization, the American Public Health Association, have long established resolutions in support of the use of seat belts to save lives.

APHA's first resolution in support of seat belt legislation is from 1958! Then, as now, public health professionals have been strong advocates of the effectiveness of seat belts in minimizing the degree of injury and death resulting from traffic accidents.

As you've heard so eloquently today, enacting a primary seat belt law, as proposed in SB 316, saves lives and money.

Seat belt use is the single most effective safety device in preventing injuries and fatalities. Despite seat belt use being required by statute, our law enforcement officers are currently unable to enforce the use of seat belts.

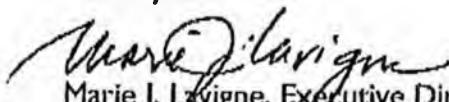
As has been presented here today, changes in law enforcement powers will lead to a 10-15% increase in seat belt use. That increase *alone* will prevent injuries and deaths, as well as the escalating costs in responding to motor vehicle accidents.

Passage of SB 316 also brings to Alaska additional federal highway funding along with the opportunity to save more lives.

Senator Bunde's closing comment in his Intent letter say it best, "Enacting a primary seat belt law may save more lives than any other single piece of legislation before you this session."

As an important public health legislation, we encourage you to support SB 316.

Thank you.


Marie J. Lavigne, Executive Director
Alaska Public Health Association