

ALASKA LEGISLATURE COMMITTEES FILED 1983-1988 00/2

3311 HJUD HB 217 - HB 224 189

Rep. Mike

1/1/85

A quick note to voice my support for

H.R. 217. It will reduce the interest.

My reasons are many, the strongest of which is

my belief in the free market system — and the ability

individuals have in determining their needs and willingness

to pay for those needs. I have passed on paying \$2.29 lb

for tomatoes often, but I can also remember the time

I paid that amount because they were essential to

the meal. The same logic — basic as it may be — I feel

applies to all functions of the economy. The fact remains

that if the tomatoes are not purchased at \$2.29 lb during

their ripe period, the price will drop as they get older

and spoil. Also remember that there is more than one

source of tomatoes in most areas — or substitutes.

Thank you for your fine I again ask that

you vote for passage of H.R. 217.

Benjamin A. Bennett  
200 W. 34th Ave #399

April 2, 1985

APR 9 1985

Representative M. Mike Miller  
Chairman, Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Dear Representative Miller:

I had the opportunity to listen to Dick Hall's presentation on HB 217 to a group in Anchorage.

Frankly, I can see no reason why the legislature is taking the position of limiting the selling price of a product.

I support the passage of HB-217.

Very truly yours,

*Linda Hehnlín*

Linda Hehnlín  
SR 3 Box 5193  
Chugiak, Alaska 99567

APRIL 2, 1985

DEAR REPRESENTATIVES:

I SUPPORT AND ENCOURAGE THE PASSAGE OF HOUSE BILL 217!

AS YOU KNOW THE BANK INDUSTRY IS GOING THROUGH A DEREGULATION ON ITS COST OF FUNDS. WHILE THIS PERIOD IS, AND MUST BE, A REAL CHALLENGE TO ALL BANKS, I THINK THE ALASKAN BANKS HAVE DONE AN EXCELLENT JOB IN PROVIDING SERVICES. I AS A DEPOSITOR AND LOAN CUSTOMER DEMAND MORE FOR MY DEPOSITS IN THE FORM OF THE HIGHEST POSSIBLE RATES. EQUALLY, I THINK MY BANK AND ALL BANKS SHOULD BE ABLE TO EARN A FAIR PROFIT.

I THINK THE STATE LEGISLATURE SHOULD STOP TRYING TO DEREGULATE THE PRICE OF THE BANKS PRODUCT IN A DEREGULATED ENVIRONMENT. LET OUR FREE MARKET SYSTEM WORK! CUSTOMERS WILL SHOP FOR THE LOWEST COST LOANS IN THE SAME WAY THEY SHOP FOR THE HIGHEST RATES ON DEPOSITS. I THINK THE TOUGH COMPETITIVE MARKET IS ALL THE PROTECTION, IF YOU WILL, MYSELF AND OTHER CUSTOMERS NEED. AFTER ALL WE DON'T HAVE TO BORROW FROM THE BANK, OR ANY LENDER, WHO CHARGES THE HIGHEST.

HIGHER LOAN RATES DON'T FRIGHTEN ME, BUT A POSSIBLE PROBLEM IN GETTING A LOAN WHEN I WANT AND NEED THE FUNDS DOES! IN MY OPINION, THE RATES BEING PROPOSED AS A MAX, 24%, IS NOT TOO HIGH. AS THE PAPERS HAVE STATED, APPROX. SEVEN STATE BANKS COULD CHANGE HIGHER NOW, BUT WANT, WHY - COMPETITION!

PLEASE PASS HB 217.

CC: MR. MIKE WELER

JOHN L. SUND

GAUENBERG, TAYLOR, CLOCKSON, PETERSON, PHILLIPS

Donnyne  
1027 BEACH COURT  
ANCHORAGE, AK. 99504

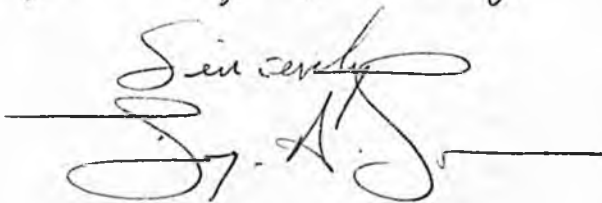
Rep. Mike Miller.

11/95

A quick note to voice my support for  
H.B. 217. A bill relating to interest.

My reasons are many, the strongest of which is  
my believe in the free market system — and the ability  
individuals have in determining their needs and willingness  
to pay for those needs. I have passed on paying \$2.29 lb  
for tomatoes often, but I can also remember the time  
I paid that amount because they were essential to  
the meal. The same logic — basic as it may be — I feel  
applies to all functions of the economy. The fact remains  
that if the tomatoes are not purchased at \$2.29 lb during  
their ripe period, the price will drop as they get older  
and spoil. Also remember that there is more than one  
source of tomatoes in most areas — or substitutes.

Thank you for your time. I again ask that  
you vote for passage of HB 217.

Sincerely,  


BENJAMIN A. BARRERA  
200 W. 34<sup>th</sup> Ave #399  
Auck. 99503

April 2, 1985

Mr. M. Mike Miller  
Chairman, House Judiciary Committee  
Pouch V  
Juneau, Ak. 99811

Re: HB 217

Dear Mr. Miller

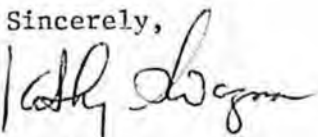
I support and encourage passage of HB 217. The rates of interest paid by banks on deposits and the rates charged on loans were both previously regulated by legislation. Federal deregulation has removed ceilings from interest rates to the benefit of the consumer by allowing banks to pay higher rates of interest on smaller deposits. I feel that the same deregulation should be allowed to banks on loan rates.

The banks' working capital comes from the difference between their cost of funds (interest on deposits) and their income (loan interest rates). A reasonable spread must be maintained between the two to allow banks the income needed to continue operation. Without the passage of this bill, maximum allowable rates would be too low. This could result in several possible problems for the consumer:

1. Banks would need to tighten credit standards to avoid losses or discontinue loans to consumers because they are not profitable. Consumers would be forced to other markets that already charge a higher rate,
2. Credit card facilities could be moved out of state where more competitive rates are allowed. This would result in loss of jobs to Alaskans.

I feel that we should allow the free market system to work in the banking industry as well as other industries. Loan rates would not necessarily rise to the new limits. Banks must be competitive or lose customers. I believe that the consumer will shop for the best loan rates just as he does for the best interest rates.

Sincerely,

  
Kathy Swagman  
503 Targhee Ln  
Eagle River, Ak. 99577

cc: Randy Phillips  
Eagle River

Mr Mike Miller  
Pouch V  
Juneau, Alaska 99811

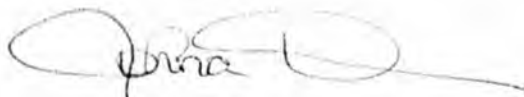
Dear Mr Miller;

I support HB 217. Financial institutions should be allowed to set lending rates which are competitive within the market area. If this bill is defeated, many financial institutions within the state will close their doors in favor of more favorable states. I have personally worked for a bank who moved their credit card department to Yankton, So. Dakota. This resulted in a loss of over 60 jobs and much revenue for the state.

The government should no longer regulate the banking industry. Competition and the consumer will set the rates.

Thank you for your consideration,

Sincerely



John Turcic

CC: John L. Sund  
Max F. Gruenburg Sr.  
Robin L. Taylor  
Don Clocksin  
Fritz Pettyjohn  
Alyce A. Hanley

Address:  
130 Meadow Creek  
Eagle River, Alaska 99577

Kathleen Knowles Scott  
P.O. Box 4-211  
Anchorage, Alaska 99502

April 2, 1985

The Honorable Mike M. Miller  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

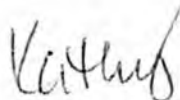
Dear Representative Miller:

I would like to express my opinion regarding HB 217 which is before the Judiciary Committee.

I know that this is not a popular bill to vote for, however, I think, as legislators, you must do what is best for everyone. If you restrict the interest rate you will restrict the supply of money. The marketplace should be establishing the rate.

Thank you for your consideration of this matter.

Very truly yours,



Kathleen Knowles Scott

1513 Crescent Avenue  
Anchorage, Alaska 99508

April 2, 1985

Representative M. Mike Miller  
Chairman, Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Re: HB-217

Dear Representative Miller:

I am a 58 year resident of the State of Alaska having been born and raised in Anchorage.

I urge passage of HB-217 so that we may have a safe, sound and viable financial community. And also have reasonable equality between the various financial institutions doing business in Alaska. By keeping the interest rate unreasonably low on credit cards it forecloses the opportunity for marginal credit risks to receive credit cards issued by Alaskan banks. There are other financial institutions headquartered outside of Alaska that offer credit at a rate that is either higher or equal to the rate proposed in this bill. The effect of unrealistically low credit card interest rates is to force these marginal credit risks to financial institutions doing business outside the state of Alaska, therefore, reducing the number of jobs in Alaskan banks' credit card departments.

It is also unfair to allow different types of financial institutions to charge different rates of interest on similar loans. Credit Unions and banks doing business outside of the State of Alaska, as well as small loan companies in Alaska, can charge higher rates of interest than a commercial bank. Under the "Most Favored Lender" doctrine, national banks are permitted to charge the same rate on a loan as any other lender in the state. Some national banks currently operate under this doctrine. It has not been clearly established that a state bank can operate under the "Most Favored Lender" doctrine. As the situation now exists national banks can charge a higher rate of interest than state banks. HB-217 would correct this inequity.

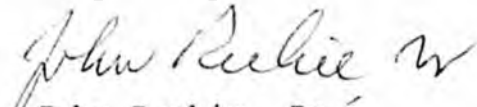
There has been some question raised by certain consumer groups that to lift the interest rate on small loans would cause financial institutions to charge the maximum rate permissible. This is not true because national banks now operating under the "Most Favored Lender" doctrine have been able to charge much higher rates than they are currently charging. Competition will prevent financial institutions from charging unreasonably high rates.

Representative M. Mike Miller  
Page 2  
April 2, 1985

Government regulatory agencies have stopped regulating interest paid to depositors and this allows competition to set that rate. On the other side of the equation there is no logical reason to have legislation that controls the interest rate that a borrower pays. Artificially low interest rates on loans deprives marginal credit risks from receiving loans from Alaskan financial institutions.

Please share my comments with other members of your committee.

Very truly yours,

  
John Reekie, Jr.

CC:  
Representatives:  
Don Clocksin  
Jim Duncan  
Max F. Gruenberg, Jr.  
Fritz Pettyjohn  
Randy Phillips  
John L. Sund  
Robin L. Taylor

TO REP. M.M. MILLER AND DUNCAN

FROM ANDY ANDERSON  
BOX 1347  
JUNEAU 99802

3

789-9021

RE: HB 217 RETAIL INTEREST

I SUPPORT THIS BILL

EQM

\*\*\*\*\*

.....  
TO REP. DUNCAN AND M.M. MILLER 3

FROM JUDITH JOHNSTON-LENTZ  
P.O. BOX 101 DOUGLAS 99824  
789-1727

RE: 217 RELATING TO RETAIL INTEREST

PLEASE SUPPORT THIS BILL

EOM

.....

\*\*\*\*\*  
\*  
\* DELIVER TO: JFOM \*  
\* \* \* \* \*  
\* ORIGINAL \*  
\* SENT: 04/08/85 TIME: 16:38 \*  
\* FROM: DAN HARMOND \*  
\* SUBJECT: JFOM \*  
\* PRINT DATE: 04/08/85 TIME: 16:38 \*  
\* \* \* \* \*  
\*\*\*\*\*

TO SENATOR RAY, REP. M.M. MILLER, AND REP. DUNCAN

FROM LAURA BARTON  
8247 ASPEN AVE.  
JUNEAU 99801  
PH. 789-7508

RE: HB 217 INTERESTRATES

I URGE YOU TO SUPPORT PASSAGE OF THIS BILL

EOM

\*\*\*\*\*

Offered: 3/15/85  
Referred: Judiciary

Original sponsors: Duncan, Pearce,  
Ringstad and Boucher

1 IN THE HOUSE

BY THE HOUSE SPECIAL  
COMMITTEE ON STATE LOANS

2

CS FOR HOUSE BILL NO. 217 (Loans)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to interest rates; and providing for  
7 an effective date."

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

9 \* Section 1. AS 06.20.320(a) is amended to read:

10 (a) A licensee or lender who, in the making or collection of a  
11 loan contract, does any act that [WHICH] violates AS 06.20.230 -  
12 06.20.260 or 06.20.280 - 06.20.310 shall at the option of the commis-  
13 sioner reimburse the portion of the interest and charges in excess of  
14 that provided in those sections, or, in the case of repeated viola-  
15 tions of those sections by the licensee, the commissioner may, upon a  
16 hearing, require the licensee to adjust the loan contract interest or  
17 other charges down to 10.5 percent a year [THE CONTRACT INTEREST  
18 LIMITATION SPECIFIED IN AS 45.45.010(a)].

19 \* Sec. 2. AS 06.40.160(a) is amended to read:

20 (a) A lender who, in the making of any contract, loan or premium  
21 finance agreement or the collection of interest or charges, does any  
22 act that [WHICH] violates AS 06.40.010, 06.40.020, 06.40.090, or  
23 06.40.110 - 06.40.130 shall at the option of the commissioner reim-  
24 burse that portion of the interest and charges in excess of that  
25 provided in those sections, or, in the case of repeated violations of  
26 those sections by the lender, the lender shall adjust the contract,  
27 loan, or premium finance agreement interest and other charges down to  
28 10.5 percent a year [THE CONTRACT INTEREST LIMITATION SPECIFIED IN  
29 AS 45.45.010(a)].

wild card  
AS 06.01.020

1 \* Sec. 3. AS 06.45.060(5)(A)(vi) is amended to read:  
2 (vi) the rate of interest may not exceed [THE  
3 GREATER OF] 15 percent a year [OR THE RATE SPECIFIED BY  
4 AS 45.45.010(b)];



5 \* Sec. 4. AS 45.10.120(c) is repealed and reenacted to read:  
6 (c) A seller or holder of a retail charge agreement, revolving  
7 charge agreement or other retail charge agreement may charge, receive  
8 and collect a service charge at a rate of 1.5 percent a month computed  
9 on the outstanding balance from month to month. If the service charge  
10 so computed is less than \$1 for any month, then the service charge is  
11 \$1. The service charge may be computed on a schedule of fixed amounts  
12 if as so computed it is applied to all amounts of outstanding balances  
13 equal to the fixed amount minus a differential of not more than \$5  
14 provided that it is also applied to all amounts of outstanding bal-  
15 ances equal to the fixed amount plus at least the same differential.

16 \* Sec. 5. AS 45.45.010(b) is repealed and reenacted to read:  
17 (b) Parties to a contract or loan commitment may charge by  
18 express agreement a rate of interest that does not exceed 24 percent a  
19 year. A contract or loan commitment in which the principal amount  
20 exceeds \$25,000 is exempt from the limitation of this subsection.

applies to all businesses

21 \* Sec. 6. AS 44.33.020(11) is repealed.  
22 \* Sec. 7. This Act takes effect July 1, 1985.

06.20.230(b) - same as deregulation

delete

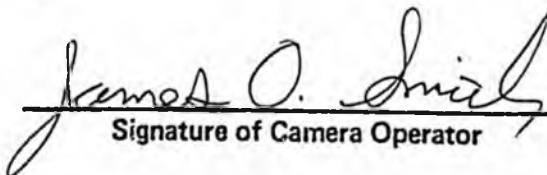
- senior citizens  
- bounced checks

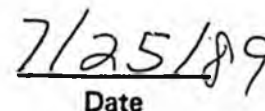


# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

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# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1986

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

Jeanie Henry

House Judiciary	3/5/85	3 pm	
"	"	4/2/85	1:30 pm
"	"	4/9/85	1:30 pm
"	"	4/17/85	1:30 pm



Original sponsors: Pourchot, Hurley,  
M.M.Miller, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 218 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards of conduct of legisla-  
7 tors and legislative employees and to the Select  
8 Committee on Legislative Ethics; and providing for an  
9 effective date."

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

11 \* Section 1. AS 11.56.805(b) is amended to read:

12 (b) False accusation is a class A misdemeanor [CLASS C FELONY].

13 \* Sec. 2. AS 24.60.020(a) is amended to read:

14 (a) This chapter applies to a member of the legislature, to a  
15 person employed by a member of the legislature, and to a permanent or  
16 temporary employee of an agency of the legislature. This chapter does  
17 not apply to

18 (1) a former member of the legislature or to a person  
19 formerly employed by a member of the legislature or an agency of the  
20 legislature unless the provision specifically states that it so ap-  
21 plies;

22 (2) a person elected to the legislature who at the time of  
23 election is not a member of the legislature;

24 (3) a person employed by a member of the legislature or an  
25 employee of an agency of the legislature whose compensation is below  
26 Step A, Range 18 of the state salary schedule established in AS 39.-  
27 27.011(a).

28 \* Sec. 3. AS 24.60.050(d) is amended to read:

29 (d) Each February 1, each state loan agency must deliver a

1 listing of all outstanding loans to persons to whom this chapter  
2 applies, except for loans described in (a) of this section, to the  
3 presiding officer of each house. The list must include the name of  
4 the person, the date of issuance and current status of the loan. The  
5 list shall be published in the supplemental journal before February 5  
6 of each year.

7 \* Sec. 4. AS 24.60.070 is amended to read:

8 Sec. 24.60.070. INTERESTS BETWEEN PUBLIC OFFICIALS. A person to  
9 whom this chapter applies shall disclose in the journal of the appro-  
10 priate body or if the legislature is not in session to the committee,  
11 which shall maintain a public record of the disclosure and forward the  
12 disclosure to the respective house for inclusion in the journal by  
13 [FOR] the fifth [FIRST] day of the session, the formation or main-  
14 tenance of a close economic association involving a substantial finan-  
15 cial matter with

16 (1) a supervisor who is not a member of the legislature who  
17 has responsibility or authority, either directly or indirectly, over  
18 the person's employment, including preparing or reviewing performance  
19 evaluations, or granting or approving pay raises or promotions;

20 (2) legislators;

21 (3) a public official in another branch, if the public  
22 official is required to file a financial disclosure statement under  
23 AS 39.50;

24 (4) a registered lobbyist;

25 (5) a person to whom this chapter applies who is employed  
26 by a member of the legislature or an agency of the legislature if the  
27 close economic association is with a legislator [WHO IS NOT A MEMBER  
28 OF THE IMMEDIATE FAMILY OF THE PERSON].

29 \* Sec. 5. AS 24.60.100 is amended to read:

1           Sec. 24.60.100. REPRESENTATION. A person to whom this chapter  
2 applies who represents another person for compensation before an  
3 agency, board, or commission of the state shall disclose the name of  
4 the person represented, the subject matter of the representation, and  
5 the body before which the representation is to take place in the  
6 journal of the appropriate body or if the legislature is not in ses-  
7 sion to the committee. The committee shall maintain a public record  
8 of the disclosure and forward the disclosure to the respective house  
9 for inclusion in the journal by [FOR] the fifth [FIRST] day of the  
10 session.

11 \* Sec. 6. AS 24.60.110 is amended to read:

12           Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator  
13 who knowingly has a conflict of interest or has been notified of a  
14 conflict of interest shall immediately

15                   (1) resign the conflicting position;

16                   (2) divest the interest that has resulted in the conflict  
17 or potential conflict; or

18                   (3) disclose the conflict of interest in the journal of the  
19 appropriate body or if the legislature is not in session to the com-  
20 mittee; the committee shall maintain a public record of the disclosure  
21 and forward the disclosure to the respective house for inclusion in  
22 the journal by [FOR] the fifth [FIRST] day of the session but dis-  
23 closure does not remove the conflict of interest.

24 \* Sec. 7. AS 24.60.130(b) is amended to read:

25           (b) The committee consists of nine [SEVEN] members, in two  
26 subcommittees, as follows:

27                   (1) the senate subcommittee consists of three members of  
28 the senate, appointed by the president of the senate with the concur-  
29 rence by roll call vote of two-thirds of the full membership of the

1 senate; and

2 (2) the house subcommittee consists of three members of the  
3 house, appointed by the speaker of the house with the concurrence by  
4 roll call vote of two-thirds of the full membership of the house; and

5 (3) three public members [ONE PUBLIC MEMBER,] who are [IS]  
6 selected by the Chief Justice of the Alaska Supreme Court [TWO-THIRDS  
7 OF EACH SUBCOMMITTEE] and who are [IS] ratified by two-thirds of the  
8 full membership of the senate and two-thirds of the full membership of  
9 the house, shall serve on both the full committee and each subcom-  
10 mittee.

11 \* Sec. 8. AS 24.60.130(c) is amended to read:

12 (c) No more than two legislative members of each subcommittee  
13 may be members of the same political party or the same organizational  
14 caucus. At least one public member must be a former member of the  
15 legislature.

16 \* Sec. 9. AS 24.60.150(a) is amended to read:

17 (a) The committee shall

18 (1) adopt procedures to facilitate the receipt of inquiries  
19 and prompt rendition of its opinions;

20 (2) publish semi-annual summaries of decisions and [,] ad-  
21 visory opinions [AND INFORMAL ADVISORY OPINIONS,] with sufficient  
22 deletions in the summaries to prevent disclosing the identity of the  
23 persons involved in the decisions or opinions that have remained  
24 confidential.

25 \* Sec. 10. AS 24.60.160 is amended to read:

26 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an  
27 advisory opinion within 30 days on the request of a person to whom the  
28 chapter applies or a person elected to the legislature who at the time  
29 of election is not a member of the legislature as to whether the facts

1 and circumstances of a particular case constitute a violation of  
2 ethical standards. The 30-day period for issuing an opinion may be  
3 extended by the committee for not more than an additional 10 days if  
4 the person requesting the opinion consents. The opinion issued is  
5 binding on the committee in any subsequent proceedings concerning the  
6 facts and circumstances of the particular case unless material facts  
7 were omitted or misstated in the request for the advisory opinion.  
8 Except as provided in this chapter an advisory opinion is confidential  
9 but may be made public if a written request by the person who re-  
10 quested the opinion is filed with the committee.

11 \* Sec. 11. AS 24.60.190 is amended to read:

12 Sec. 24.60.190. DEFINITIONS. [DEFINITION OF "COMMITTEE."] In  
13 this chapter [,]

14 (1) "committee" means the Select Committee on Legislative  
15 Ethics or where appropriate, the applicable subcommittee;

16 (2) "person employed by a member of the legislature" means  
17 a person who is employed by an individual legislator or by a legisla-  
18 tive body other than an agency of the legislature established under  
19 AS 24.20 whose duties include assistance to a legislator or a legisla-  
20 tive body in the performance of legislative functions.

21 \* Sec. 12. This Act takes effect immediately in accordance with AS 01.-  
22 10.070(c).

SECTIONAL ANALYSIS  
LEGISLATIVE ETHICS LEGISLATION  
BY  
REPRESENTATIVE PAT POURCHOT

The attached legislation makes several changes to statutes dealing with legislative ethics and the Select Committee on Legislative Ethics.

**FALSE REPORTING**  
Section 1

This provision reduces the penalty for false reporting of a possible ethics violation from a felony to a misdemeanor. The current penalty has been criticized as extreme and acting as a deterrent to the filing of legitimate complaints of possible violations. It is also ironic that while there exists a felony penalty for "false" accusation, there is no statutory penalty for legislators violating the ethics law.

**EXPANSION OF THE ETHICS LAW TO ALL LEGISLATIVE EMPLOYEES**  
Sections 2 and 11

This change clarifies that staff employees of individual legislators and committees, range 18 and above, must comply with the provisions of the Ethics Act. Presently, it has been interpreted that the only legislative employees covered by the Ethics Act are those employed by a legislative agency--for example, House Research or the Division of Legal Services. There is no clear rationale for this discrepancy in the current law.

**REPORTING DEADLINES**  
Sections 3, 4, 5 and 6

The deadlines for reporting "close economic associations," "representations before state agencies" and "conflicts of interest" are changed from the first to the fifth day of the legislative session. These technical changes will hopefully avoid the confusion that faced those covered by the Act, particularly new legislators and staff, at the beginning of this session as they hurried to comply with the provisions of the Ethics Act. Several notices were published in the Journal beyond the first day of this year's session.

Section 3 stipulates that the list of specified loans to persons covered by the Act be reported in the legislative journals by February 5.

Although agencies are to provide the lists by February 1, there is currently no deadline for printing loan information in the journals.

DELETION OF FAMILY EXEMPTION FOR LOBBYIST DISCLOSURE  
Section 4

The current Act requires the filing of a notice in the Journal if a person covered by the Act has a "close economic association" with a registered lobbyist unless the lobbyist is a member of the person's immediate family. This section removes this exemption for family members. Similar notice requirements of "close economic association" with supervisors, legislators, and public officials currently do not contain this family member exemption. There is no clear rationale for this discrepancy in the current Act.

EXPANSION OF PUBLIC MEMBERSHIP ON THE SELECT COMMITTEE ON  
LEGISLATIVE ETHICS  
Sections 7 and 8

Public membership on the committee is expanded from one to three people. The three would be selected by the Chief Justice of the Alaska Supreme Court and would be confirmed by a two-thirds vote of each house of the Legislature. Presently, there is one public member on the committee, chosen by two-thirds vote of the House subcommittee and two thirds vote of the Senate subcommittee and ratified by two thirds of the full membership of both houses.

The provisions in this legislation accommodate public sentiment to expand public membership on the Ethics Committee and remove the possibility of charges of "legislative bias" by providing that public members are initially selected by the head of the judicial branch of government.

CLEAN-UP PROVISIONS  
Sections 9 and 10

Section 9 drops the requirement for the Committee's semi-annual reports to print "informal advisory opinions." The Ethics Committee as a matter of policy does not issue informal advisory opinions. Thus, the current printing requirement is unnecessary.

Section 10 would allow a person elected to the Legislature, but not yet sworn in, to request an advisory opinion from the Ethics Committee. Newly elected legislators are most often the individuals in need of conflict advice. This change will help newly elected legislators understand and comply with reporting deadlines.

HB218 by Pourchot, et al.

Amendment #2

Sec. 24.60.090. NEPOTISM. (a) A spouse or an individual other than a spouse who is related to a member of the legislature, may not be employed in the house in which the legislator is a member, or by an agency of the legislature established under AS 24.20 [OR IN EITHER HOUSE OF THE LEGISLATURE IN THE INTERIM BETWEEN SESSIONS]. An individual who is related to an employee of the legislature may not be employed in a position over which the employee has supervisory authority. In this subsection, "an individual who is related to" means a child, stepchild, husband, wife, mother, father, sister, or brother.

HB 218 by Pourchot, et al.

Amendment #1

Sec. 24.60.090. is deleted.



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

7/25/89  
Date

H B

2 2 H

# STATE OF ALASKA THE LEGISLATURE

## LEGISLATIVE AFFAIRS AGENCY

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

May, 1986

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

Jeanie Henry

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

COMMITTEE REPORT  
HOUSE

S/a  
Rule

(7)

FURTHER:

4/4/85

Date: \_\_\_\_\_

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

under consideration and recommends:

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

MEMBERS SIGNING  
DO PASS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 CHAIRMAN

Offered: 4/4/85  
Referred: Judiciary

Original sponsor: M.M.Miller

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 10, 1985

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

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

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

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

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

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

device is impractical because of a medical or physical condition;

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

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

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

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

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

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

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

GWE:csh  
c3/096

A M E N D M E N T

Offered in the HOUSE

By M.M. Miller

To: HB 224

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

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

Renumber succeeding paragraphs accordingly

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

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

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

"fined up to \$15 and"

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

1 IN THE HOUSE

BY M.M.MILLER

2

HOUSE BILL NO. 224

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF ALASKA  
THE LEGISLATURE

POUCHY STATE CENTER  
JUNEAU ALASKA 99811  
907 465 1800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 8, 1985

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

TO: Representative M. Mike Miller

FROM: George W. Edwards *GNE*  
Legislative Counsel

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

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

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

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

- (1) passengers in a school bus or emergency vehicle;
- (2) a person or class of persons for whom the commissioner determines under AS 28.05.096 that the use of a safety device is impractical because of a medical or physical condition;

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

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

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

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

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

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

GWE:csh  
c3/032

Position Paper

CS for House Bill No. 224 (State Affairs)

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

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

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

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

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

BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

POSITION

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

Recommended by:

*Robert I. Fraser*

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

Date:

4/10/85

Approved by:

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

Date:

4-14-85

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

Revision Date: \_\_\_\_\_

**REQUEST**

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

**FISCAL DETAIL**

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

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

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

**ANALYSIS:** Attach a separate page if necessary

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

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

Distribution (by Agency preparing fiscal note):

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

*fcc*

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 224  
 Title: Mandatory Use of Safety  
           Devices  
 Sponsor: M.M. Miller  
 Requestor: House State Affairs  
 Date of Request: 2-28-85

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Life and  
                                   Property Protection  
 BRU, Program or Subprogram(s) Affected:  
                                   Highway Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: T. Michael Lewis Phone: 465-4374  
 Division: Highway Safety Date: 2/26/85  
 Approved by Commissioner: T. Michael Lewis Date: 2-28-85  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

# Alaska State Legislature



## House of Representatives House Judiciary Committee

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

### MEMORANDUM

April 23, 1985

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

---

#### Federal Rule:

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

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

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

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

#### States and State Legislatures:

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

#### Bill Provides:

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

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

Bill Provides:

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

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

Bill Provides:

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

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

Bill Provides:

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

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

Bill Provides:

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

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

Bill Provides:

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

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

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

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

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

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

Other States, cont.

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

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

Virginia: bill died in committee last year

Private Sector:

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

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

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

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

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

Case Arguments:

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

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

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

EXPECTED IN 1985:

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

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

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

Statistics:Belt Use:

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

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

. rates were found to be highly dependent on enforcement levels

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

Fatality and Injury Rates:

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

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

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

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

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

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

Other Facts:

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

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

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

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

## INTRODUCTION

Favor Passage of the Mandatory Restraint Law.

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

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

Example:

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

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

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

#### FACTS

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

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

- During 1984 in Alaska, 52.2 percent of the highway fatalities involved alcohol. Safety Restraint use is your best defense against the drunk driver.
  
- Mandatory restraint law is a recommendation of:
  - The Presidents Commission on Drunk Driving.
  - The Anchorage Mayor's Task Force on Drunk Driving
  - The Governor's Task Force on Drunk Driving
  
- Currently, over 30 countries and five States have mandatory restraint laws and 31 more States are considering this legislation this year.

#### OPPOSITION

Individual rights - Freedoms

134 people died in auto crashes in Alaska in 1984.

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

What do their rights mean to them now?

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

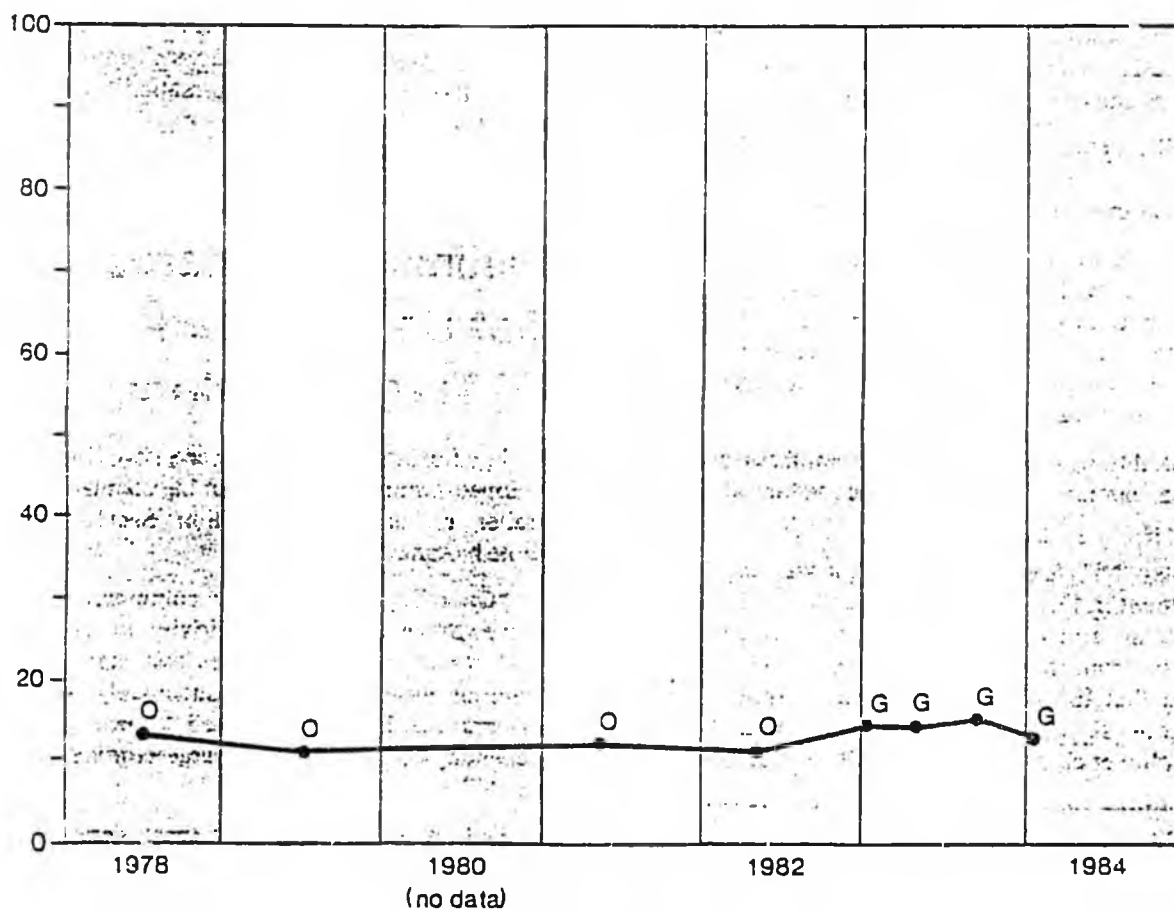
#### CLOSING

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

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

## No Increase Seen in Seat Belt Use

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



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



## Growing Number Of Americans Concerned About Auto Safety

By George Gallup

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

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

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

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

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

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

Here is the question on seat belt usage:

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

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

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

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

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

This question was also asked:

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

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

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

### Air Bags Favored By 2-To-1

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

The question and national findings:

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

### Air Bag Requirement

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

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

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

**Automatic Seat Belts**

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

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

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

Insurance  
institute  
for  
highway  
safety

the highway loss reduction

# Status Report

Vol. 19, No. 9

May 26, 1984

## Dole Issues Another Notice Seeking Data On Automatic Restraints

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

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

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

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

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

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

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

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

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

(Cont'd on page 2)

## Motor Vehicle Crashes Are a Major Cause Of Emergency Room Visits

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

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

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

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

(Cont'd on page 4)

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

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

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

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

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

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

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

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

### **Quoted Without Comment**

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

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

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

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

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

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

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

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

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

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

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

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

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

## Study Shows Insurance Incentive Does Not Increase Seat-Belt Use

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

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

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

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

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

### Nationwide Mailing to Policyholders

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

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

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

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

### 'Most Likely Effect Is No Effect'

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

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

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

## Belt Use in Britain

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

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

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

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

## Luxury, Sports Models Have Worst Theft Record

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

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

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

(Cont'd on page 6)

## Institute Urges Dole To End Delays On Automatic Restraints

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

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

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

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

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

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

(Cont'd on page 2)

## **Institute Urges Dole to End Delays on Automatic Restraints**

(Cont'd from page 1)

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

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

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

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

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

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

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

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

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

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

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

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

## **Insurers Press Dole To Require Automatic Seat Belts or Air Bags**

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

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

### **Why DOT Exists**

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

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

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

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

### Premiums Would Come Down

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

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

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

### 'A Constructive Step'

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

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

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

## Cost Analysis

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

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

### More Than \$2 Billion a Year

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

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

### The Price in Lives

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

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

### Protesting the Passengers

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



the highway loss reduction

# Status Report

Vol. 19, No. 13

July 28, 1984



*Dole plans \$40 million safety campaign.*

## Dole Sets Deadline For All New Cars to Have Automatic Restraints

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

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

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

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

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

*(Cont'd on page 2)*

## Rule Could 'Hasten Day' Americans Benefit From Automatic Protection

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

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

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

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

*(Cont'd on page 6)*

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

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

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

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

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

### **Credit Offered to Automakers**

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

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

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

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

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

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

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

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

### **Ford 'Went to Work Today'**

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

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

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

## **New York Drivers to Get Discount on Air Bags**

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

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

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

Importers Association filed an appeal in California.

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

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

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

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

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

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

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

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

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

## Appeal Notices Filed Following Dole's Ruling On Automatic Restraints

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

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

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

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

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

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

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

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

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

## Secretary Dole Settles Some Technical Issues, But Others Remain

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

They include:

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

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

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

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

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

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

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

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

## Final Rule Draws Mixed Reaction From Legislators and Insurers

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

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

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

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

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

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

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

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

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

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

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

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

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

### Quoted Without Comment

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

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

## Mercedes-Benz Taps Sizable Market With Air Bag Equipped Cars

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

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

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

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

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

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

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

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

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

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

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

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

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From *Newsday*, June 27, 1984

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

By William Haddon, Jr.

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

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

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

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

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

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

## **Reagan Signs '21' Bill**

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

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

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

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

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

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

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

address public misunderstandings about air bags and automatic seat belts.

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

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

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

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

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

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

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

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

## **FHWA Seeks Comments On Skid Resistance**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the highway loss reduction

# Status Report

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September 8, 1984

## A Special Issue

### SEAT BELT USE LAWS: WHAT TO EXPECT

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

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

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

### Canadian Laws Increase Belt Use; Mixed Results In Reducing Deaths

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

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

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

(Cont'd on page 3)

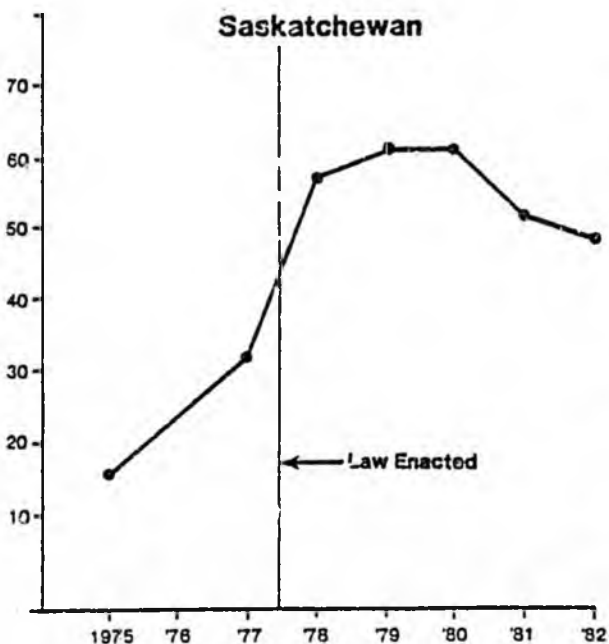
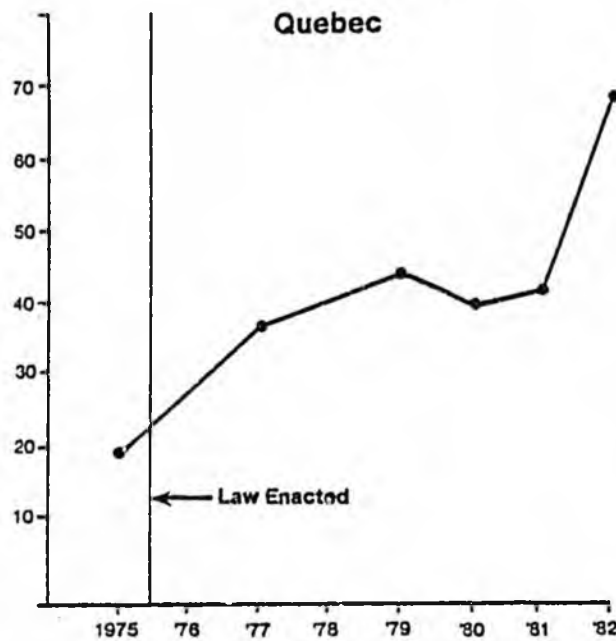
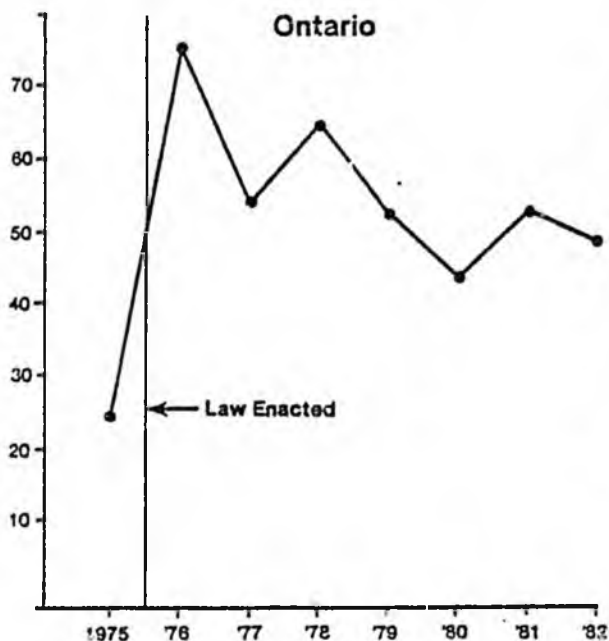
### Enforcement Key to Seat Belt Law Effectiveness

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

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

(Cont'd on page 3)

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



## Canadian Laws Increase Belt Use; Mixed Results In Reducing Deaths

(Cont'd from page 1)

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

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

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

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

### Fatality, Injury Reductions Measured

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

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

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

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

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

### Other Evaluations Yield Similar Findings

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

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

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

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

(Cont'd on page 4)

## Canadian Laws Increase Belt Use; Mixed Results In Reducing Deaths

(Cont'd from page 3)

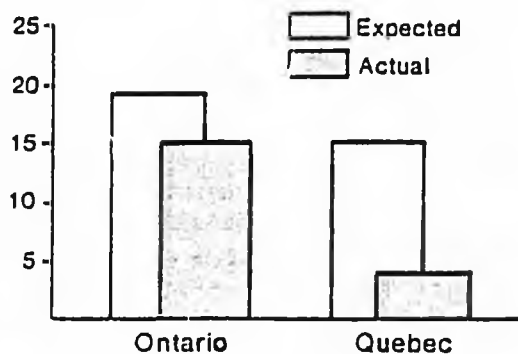
pected fatality reduction was 14 percent; the actual reduction was 4 percent (figure 2). Differences between actual and expected injuries were even greater: an expected 10 percent vs. an actual 3 percent in Ontario; in Quebec, an expected 8 percent reduction vs. a 15 percent increase.

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

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

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

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



## 30 Countries Have Seat Belt Laws

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

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

\* repealed, subsequently re-enacted

Source: Highway Users Federation For Safety and Mobility

## Summary of Facts About Seat Belt Use Laws

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

## Belt Use Rates Vary Widely In Canadian Cities

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

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

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

### Enforcement Affects Use Rates

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

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

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

### Belt Use Higher Among Females

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

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

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## Seat Belt Laws Successful In Great Britain And Australia

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

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

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

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

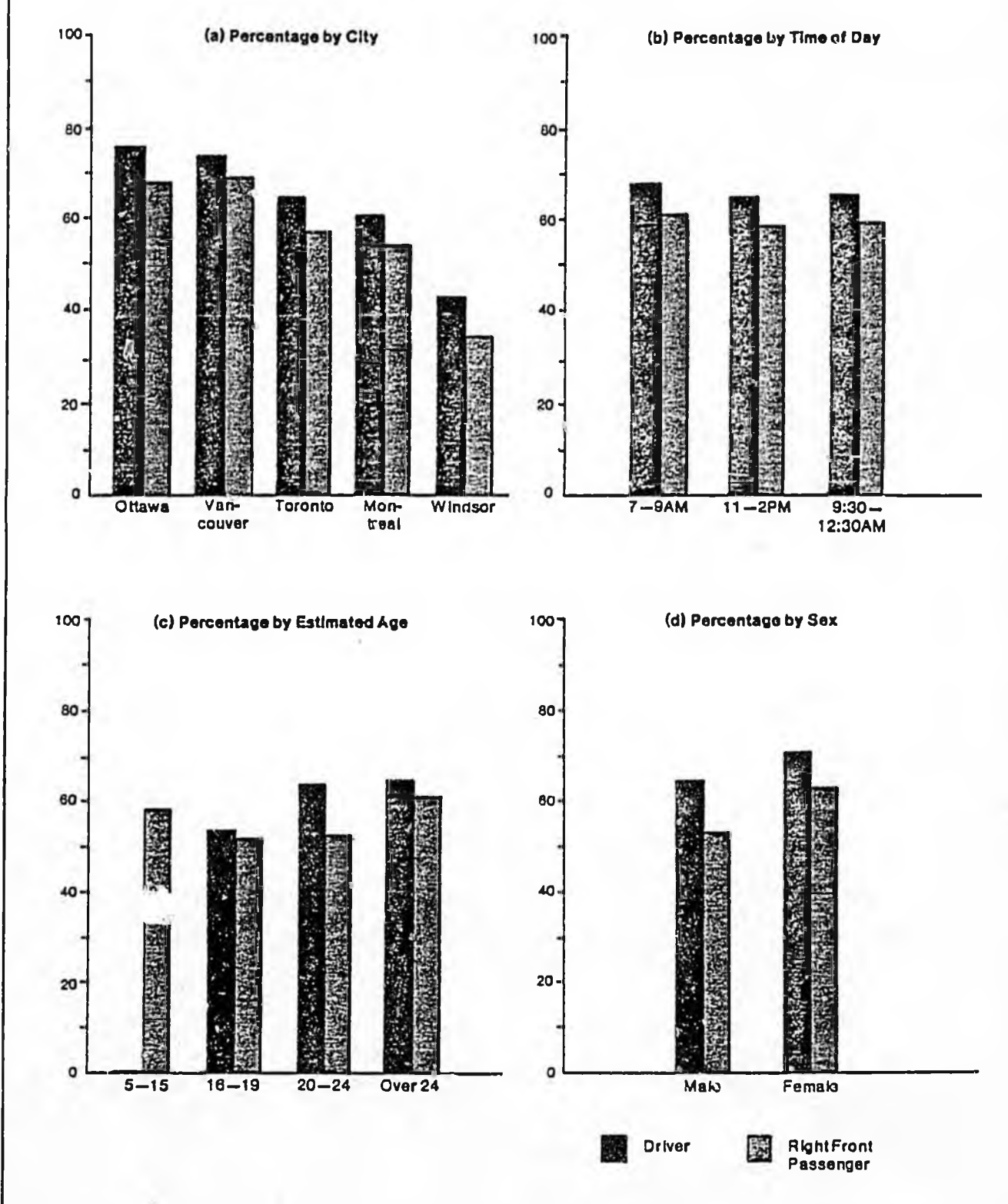
The fatality reduction, for example, should have been 34 percent in Great Britain during the first year of the seat belt law, given the observed increase in belt use to 95 percent and assuming that belts reduce the likelihood of serious and fatal injuries by 50 percent. The actual reduction was 23 percent.

### Belt Use Up, Fatalities Reduced in Australia

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

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

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



## ***IHS's Decade of Support For Seat Belt Laws***

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

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

### ***Enforcement Key to Seat Belt Law Effectiveness***

*(Cont'd from page 1)*

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

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

#### **Dramatic Increases in Belt Use**

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

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

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

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

#### **Lower Injury Rates**

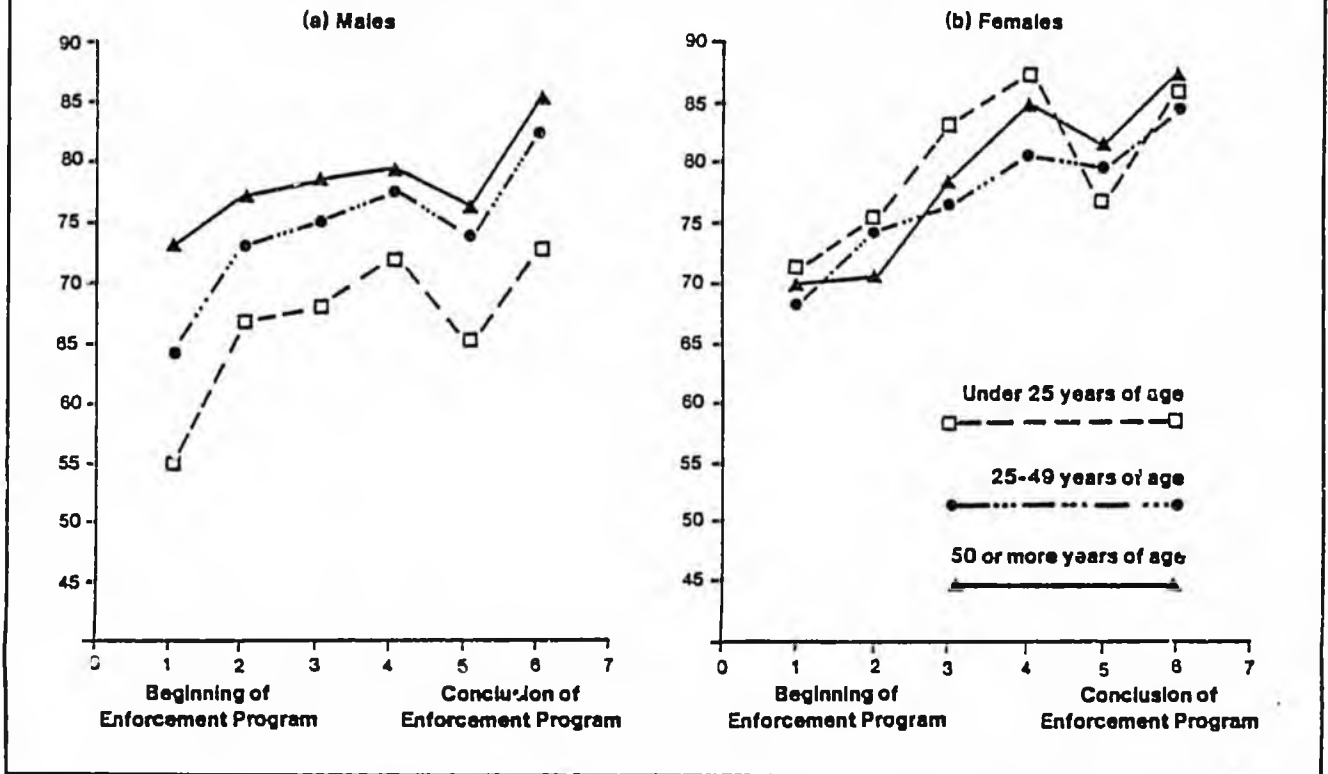
The increase in belt use in Ottawa was accompanied by a 10 percent reduction in motor vehicle-related injuries. In Kingston, a 44 percent *increase* in injuries was recorded. "Clearly, [enforcement programs] can have profound and long-lasting effects not only on seat belt use but also on the ultimate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

#### **Eighty Percent Use Rate May be Maximum**

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

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

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



## DOT Report Underscores Importance Of Vigorous Enforcement

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

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

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

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

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

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