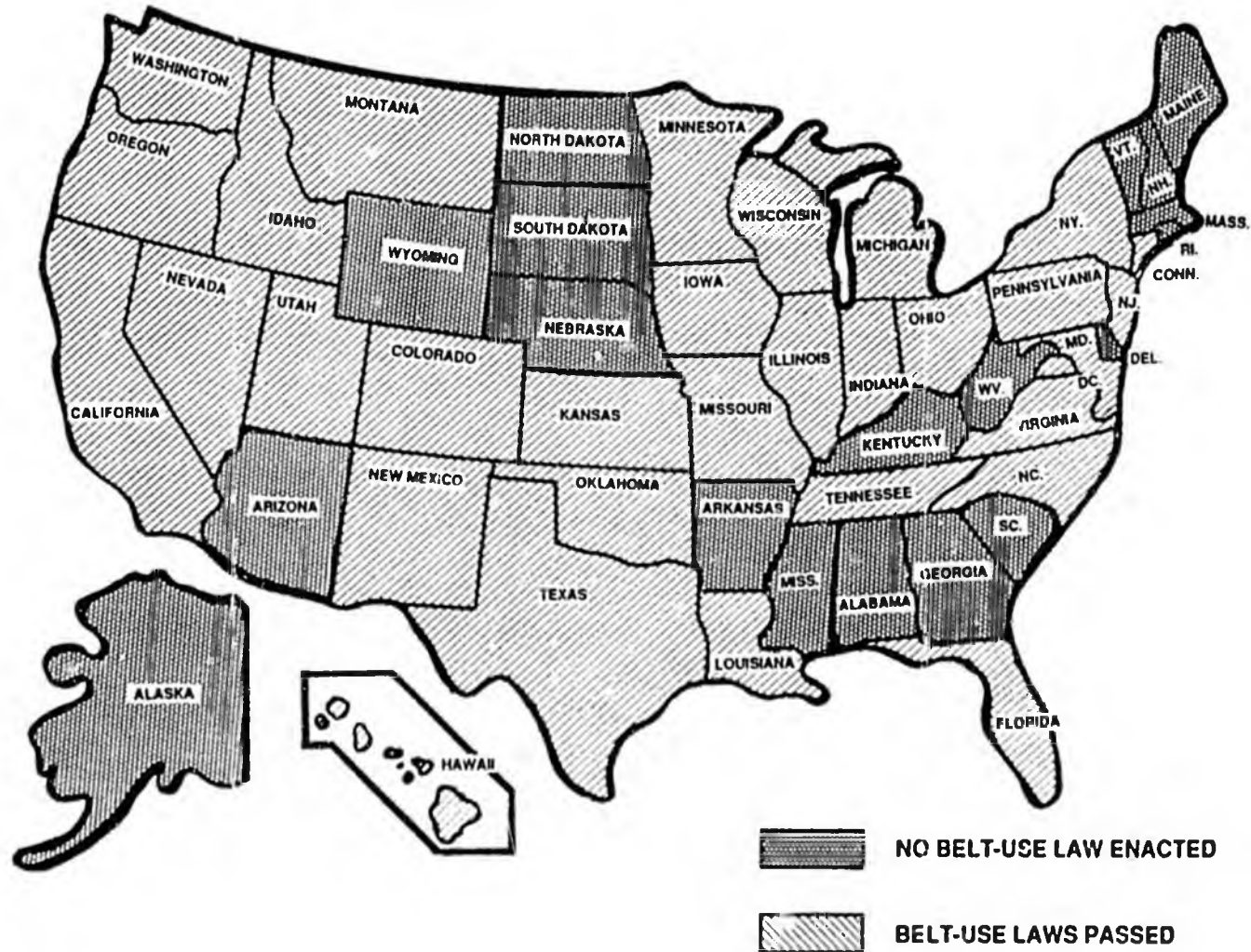


ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
5563 SSTA HB 167 (file 1) - (file 2)

1135

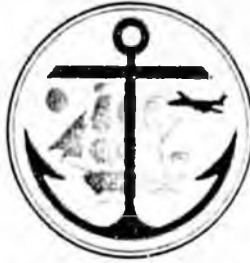
February 1988

STATUS OF SAFETY BELT USE LEGISLATION



In addition, safety-belt-use legislation has been introduced or is expected to be introduced in the following states: Alabama, Alaska, Arizona, Delaware, Georgia, Kentucky, Maine, Massachusetts, Mississippi, New Hampshire, Rhode Island, South Carolina, South Dakota, Vermont, West Virginia and Wyoming.

Municipality of Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4671

Tom Fink
MAYOR

MUNICIPAL HEALTH & HUMAN SERVICES COMMISSION

March 9, 1988

Senator Mitch Abood, Chair
Senate State Affairs Committee
Alaska State Legislature
POB V
Juneau, Alaska 99811

Dear Senator Abood:

The Municipal Health and Human Services Commission would like to lend their qualified support to the passage of CSHB167. Unintentional injuries, which include motor vehicle injuries, is ranked as the second highest physical health problem priority in the Anchorage Health and Human Services Plan (January 1988).

The effectiveness of seat belts in the prevention of premature mortality due to motor vehicle fatalities is well documented. In fact, national data estimates that a broad-based strategy in motor vehicle safety could reduce motor vehicle-related fatalities, injuries and related costs by 75%. This bill is an important first step, however, it is only a first step. Passage of CSHB 167 raises two issues which we would like to see addressed:

1. What fiscal or administrative provisions will encourage enforcement; and,
2. What can the state do to work with the federal government to encourage auto manufacturers to install air bags and other passive restraints. It is our understanding that the federal Department of Transportation has agreed that if two-thirds of the states pass seat belt laws that auto manufacturers can avoid the installation of safer passive restraints. Alaska may wish to postpone temporary legal measures and instead focus on educational measures in an effort to encourage the implementation of passive restraints which, again, provide safer alternatives and longer term benefits.

RECEIVED
MAR 16 1988

Seat Belts

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An act relating to mandatory use of safety devices."
Sponsor: Cotten, Ulmer, Koponen, ...
Requestor: Senate State Affairs

Agency Affected: PUBLIC SAFETY
BRU: Highway Safety Planning Agency
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated. Revenue generated will be negligible.

Prepared by: Ellen Moore, Program Coordinator
Division: Highway Safety Planning Agency

Phone: 465-4375
Date: January 28, 1988

Approved by Commissioner: Wanda A. Hatcher, Dir.
Agency: Department of Public Safety

Date: 1-27-88

Distribution (by preparer):

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

Position Paper

CS for House Bill No. 167 (Judiciary)

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." Children under 4 years old are required to be in a U.S. Department of Transportation (DOT) approved child safety device, and children between four and sixteen must be in an approved safety device or secured by a safety belt.

This bill would exempt emergency vehicle passengers from the requirement, as well as vehicle operators engaged in the delivery of mail and others as determined by regulation where a restraint is impractical for medical or other physical conditions.

This bill would establish a penalty of up to \$15 in fines which could be waived in lieu of a contribution to Emergency Medical Services (EMS).

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

- 1) Motor vehicle crashes are a leading cause of death, injury and longterm disability;
- 2) Numerous studies have shown that safety belts and other vehicle safety restraints 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 safety belts have failed to convince the majority of vehicle occupants to use them.
- 4) Motor vehicle crashes are the single most frequently mentioned cause of injury responded to by EMS ambulances. The proposed donation in lieu of a fine would help defray the cost of these services.

Background

Nationally, Motor vehicle crashes are the leading cause of death for persons between 1 and 35 years of age. For teenagers, car crash fatalities outnumber the next five causes of death combined.

Over the past decade more than 450,000 persons have died on America's highways. Every year over 40,000 persons are killed in automobile accidents in the United States, and more than 300,000 people suffer moderate to severe and critical injuries. Many of the injured are young people who will never work again for the rest of their lives.

In Alaska, from 1980 through 1984, unintentional injuries (accidents) have been the leading cause of death. Motor vehicle crashes and drowning have been the chief causes of these deaths. In 1985 there were 127 deaths and more than 6,000 Alaskans were injured as a result of motor vehicle crashes in this state.

According to the Division of Insurance, bodily injury claims payments for private passenger non-fleet automobile liability in Alaska totaled over six million dollars in 1983 and was over eight million in 1984. These amounts 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, motor vehicle crashes create a significant financial burden which is shared by all citizens.

Worldwide, about 30 countries have mandated safety belt use. In Great Britain safety belt use rose from about 40% to 90-95% with the passage of a mandatory use law. At the same time, the number of individuals treated in emergency rooms as the result of motor vehicle crashes has dropped 15%. There were also 15 to 20% fewer fatalities in the years since the passage of the law.

In Canada, four provinces have enacted mandatory safety belt use laws. The effectiveness of these laws in increasing belt use has been shown to be dependent on the degree to which they are enforced. In provinces where strict enforcement has been practiced belt use has been as high as 80%. Deaths due to motor vehicle crashes have declined 11% and injuries 6% in provinces with mandatory use laws.

In this country, twenty-five states and the District of Columbia now have mandatory belt use laws. New York was the first state to pass such a law. Seatbelt use there has ranged from 39% to 78%. These use rates have resulted in about a 9% drop in motor vehicle crash fatalities.

It is clear that the use of safety belts can reduce the number of deaths and disabilities due to motor vehicle crashes. A mandatory safety belt use law would go far to achieve this goal and complement existing traffic safety legislation regarding driving while intoxicated, maximum speed limits, and licensing requirements.

Position

The Department of Health and Social Services strongly supports this bill because it can result in decreases in the number of deaths, disabilities and injuries caused by motor vehicle crashes.

Recommended by:

Elizabeth Ward, M.N.
Elizabeth Ward, M.N.
Director

Division of Public Health

Date:

5/11/87

POSITION PAPER / Department of Health and Social Services

Approved by: Myra M. Munson

Myra M. Munson, Commissioner
Department of Health and
Social Services

Date: 5/13/87

BILL NO: CS HB 167 (SA)

DATE:

April 1, 1987

TITLE: An Act relating to
mandatory use of safety devices

CONTACT:

Ellen Moore

DEPARTMENT OF
PUBLIC SAFETY
/
ALPHABETIC

In the jurisdictions that have had the longest experience with safety belt use laws, it has been found that the greater the level of increase in seatbelt use, the greater the reduction in fatalities and serious injuries. Correspondingly, the more stringent the law, the higher the compliance.

The Committee Substitute (State Affairs) for House Bill 167 provides for "secondary" enforcement of the proposed safety belt statute as well as the existing child restraint statute. It is the position of the Highway Safety Planning Agency that this weakens the extremely successful child restraint law. In fact, such a provision may reverse the trend toward increased safety belt use that began about the time the child restraint law went into effect.

We recommend that the child restraint section [AS 28.05.095(b)] be extended to cover children up to age sixteen. Without this change, it would be possible to issue a citation to a child as young as seven years old. We also recommend that the so-called secondary enforcement section be revised to include only adult belt use. Violation of the child restraint section would remain a "primary" offense.

Finally, AS 28.05.099(a) reduces the fine for a violation of the child restraint law from a possible \$300 to \$15. We are neutral on this change, but we believe that Sec. 28.05.099(b), which provides for dismissal on proof of "correction", should be repealed if mail-in-bail for this offense is established.



William R. Rix
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSHB 167 (SA)

Publish Date: _____

REQUEST

Revision Date: _____

Title: "An Act relating to
mandatory use of safety devices."

Sponsor: Cotten, Ulmer, Koponen, ...

Requestor: House Judiciary

Agency Affected: PUBLIC SAFETY

BRU: Highway Safety Planning Agency

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated. Amendment reduces the maximum fine for violation of the child restraining law from \$300 to \$15 and changes it from primary to secondary enforcement. This negative revenue impact will be offset by fines collected for violation of the adult use provision.

Prepared by: Ellen Moore, Program Coordinator Phone: 465-4375

Division: Highway Safety Planning Agency Date: 3/23/87

Approved by Commissioner: [Signature] Date: 3/23/87

Agency: Public Safety

Distribution (by preparer):

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

Position Paper

House Bill No. 167

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." Children under 4 years old are required to be in a U.S. Department of Transportation (DOT) approved child safety device, and children between four and six must be in an approved safety device or secured by a seatbelt.

This bill would exempt school bus and emergency vehicle passengers from the requirement, vehicle operators engaged in the delivery of mail and others as determined by regulation where a restraint is impractical for medical or other physical conditions.

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

- 1) Motor vehicle crashes are a leading cause of death, injury and longterm disability;
- 2) Numerous studies have shown that seat belts and other vehicle safety restraints 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 seatbelts have failed to convince the majority of vehicle occupants to use them.

Background

Motor vehicle crashes are the leading cause of death for persons between 1 and 35 years of age. For teenagers, car crash fatalities outnumber the next five causes of death combined.

Nationally, over the past decade more than 450,000 persons have died on America's highways. Every year over 40,000 persons are killed in automobile accidents in the United States, and more than 300,000 people suffer moderate to severe and critical injuries. Many of the injured are young people who will never work again for the rest of their lives.

In Alaska, from 1980 through 1984, unintentional injuries (accidents) have been the leading cause of death. Motor vehicle crashes and drowning have been the chief causes of these deaths. In 1985 there were 127 deaths and more than 6,000 Alaskans were injured as a result of motor vehicle crashes in this state.

According to the Division of Insurance, bodily injury claims payments for private passenger non-fleet automobile liability in Alaska totaled over six million dollars in 1983 and was over eight million in 1984. These amounts 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, motor vehicle crashes create a significant financial

burden which is shared by all citizens.

Worldwide, about 30 countries have mandated seat belt use. In Great Britain seat belt use rose from about 40% to 90-95% with the passage of a mandatory use law. At the same time, the number of individuals treated in emergency rooms as the result of motor vehicle crashes has dropped 15%. There were also 15 to 20% fewer fatalities in the years since the passage of the law.

In Canada, four provinces have enacted mandatory seat belt use laws. The effectiveness of these laws in increasing belt use has been shown to be dependent on the degree to which they are enforced. In provinces where strict enforcement has been practiced belt use has been as high as 80%. Deaths due to motor vehicle crashes have declined 11% and injuries 6% in provinces with mandatory use laws.

In this country, twenty-five states and the District of Columbia now have mandatory belt use laws. New York was the first state to pass such a law. Seatbelt use there has ranged from 39% to 76%. These use rates have resulted in about a 9% drop in motor vehicle crash fatalities.

It is clear that the use of seat belts can reduce the number of deaths and disabilities due to motor vehicle crashes. A mandatory seat belt use law would go far to achieve this goal and complement existing traffic safety legislation regarding driving while intoxicated, maximum speed limits, and licensing requirements.

Position

The Department of Health and Social Services strongly supports this bill because it can result in decreases in the number of deaths, disabilities and injuries caused by motor vehicle crashes.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date:

March 18, 87

Approved by:

Myra M. Munson
Myra M. Munson, Commissioner
Department of Health and
Social Services

Date:

March 14, 1987

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HB 167
Publish Date: _____

Revision Date: _____
Title: An act relating to mandatory safety devices

Agency Affected: Health
BRU: State Health Services

Sponsor: COTTON, Ulmer, Koponen, et al
Requestor: _____

Components: Public Health Administration services - EMS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Enactment of HB 167 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Mark S. Johnson
Division: Public Health

Phone: 465-3027
Date: March 12, 1987

Approved by Commissioner: *Maria M. Murrain*
Agency: Dept. of Health & Social Services

Date: 3/19/87

Distribution (by preparer):

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

BILL NO: HB 167

DATE: March 10, 1987

TITLE: An Act relating to mandatory use of safety devices

CONTACT: Ellen Moore

DEPARTMENT OF PUBLIC SAFETY / POSITION PAPER

As many as 50% of traffic deaths and 65% of the injuries could be prevented if all motorists wore the safety belt that has been required equipment in every passenger vehicle manufactured since 1968.

Highway safety professionals have urged the use of these devices through public information and education programs for twenty years, and have had only limited success in increasing their use.

Twenty-five states now require motorists to wear seatbelts. Each state has experienced different levels of compliance and, as a consequence, different rates of reduction in fatalities and injuries. The more stringent the law and the more diligent the enforcement, the higher the rate of usage that has been achieved and the greater the reduction in fatalities and injuries. However, it must be pointed out that regardless of the emphasis placed on enforcement, usage rates have increased in every state that has enacted seatbelt legislation of any kind.

The health and safety of its citizens are legitimate concerns of every state government. The failure of most motorists to wear their safety belts affects each of us every time we renew our automobile insurance. Automobile accidents are the largest single response category for ambulance services. As many as 25% of all ambulance trips are to the scene of injury-producing traffic accidents. Peace officers spend an enormous amount of time investigating automobile accidents, especially when injuries or deaths are involved. Hospital emergency rooms and rehabilitation centers are among other direct services provided to victims of automobile accidents. State and local governments directly fund these activities. The indirect costs to society are even greater in terms of vitality and productivity lost and dependents added to the welfare roles.

The Department of Public Safety supports passage of this bill.

William R. Nix
Acting Commissioner

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF STATE TROOPERS

BILL SHEFFIELD, GOVERNOR
Robert J. Sundberg
Commissioner

5700 E. TUDOR ROAD
ANCHORAGE, ALASKA 99507

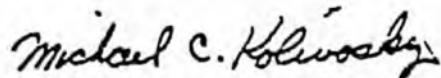
March 3, 1986

Mr. Frank Bickford
Statewide Coordinator
Alaska Safety Belt Use Coalition
319 Seward Street, #8
Juneau, Alaska 99801

Dear Mr. Bickford:

The Alaska State Troopers enforcement of a mandatory seat belt law will be that enforcement incidental to other traffic stops in the normal course of patrol as well as information developed in the course of traffic accident investigations.

Sincerely,



Colonel Michael C. Kolivosky
Director
Alaska State Troopers

MCK/ln

cc: Rep. M. Mike Miller

Facts and Attribution

4/13/87

- Safety-belt-use laws saved 1,300 lives since the effective date of the first belt-use law in 1985. National Highway Traffic Safety Administration (NHTSA), 1987
- The probability of being involved in a motor-vehicle injury accident during a 75-year lifetime is better than 86 percent. NHTSA, 1987
- There were 39,168 fatal accidents resulting in 43,795 fatalities in 1985. (Includes drivers or passengers in all types of motor vehicles, pedestrians and pedalcyclists.) NHTSA, 1987
- There were 23,192 passenger-car fatalities and 5,763 light truck-fatalities in 1985. NHTSA, 1987
- Approximately 3,551,000 people were injured in traffic accidents in 1984. (2,800,000 in passenger car accidents alone.) NHTSA, 1986
- On average, one life is lost every 12 minutes in traffic accidents. NHTSA, 1987
- In 1985, 91 percent of the occupants killed in auto accidents were not wearing their safety belts. NHTSA, 1987
- Surviving drivers are 2.5 times more likely to be wearing their safety belt than fatally injured ones. NHTSA, 1986
- Of those killed in motor vehicle accidents, 58 percent are drivers, 24 percent are passengers and 18 percent are non-occupants. NHTSA, 1987
- Of automobile-related deaths, 86 percent occur during normal weather conditions. NHTSA, 1987
- For young adults, 15 to 24 years old, traffic accidents rank as the No. 1 killer. Highway Users Federation and the Automotive Safety Foundation (H.U.F.), 1985

Vik
Frank
Bicycle

— National Health, Transportation Safety Commission.

• Most fatal accidents occur at speeds of less than 35 miles per hour. NHTSA, 1987

• Automobile accidents cost employers an average of \$120,000 per death and \$1.9 billion annually. H.U.F., 1985

• The cost of all traffic deaths and injuries in the United States during 1984 was about \$69.2 billion. NHTSA, 1986

- \$27.5 billion in property damage

- \$15.2 billion in lost productivity

- \$ 3.8 billion in medical costs

- \$22.7 billion in other costs (such as insurance administration, legal and court costs and emergency services.)

• People who are ejected from their vehicles are 25 times more likely to be killed than if they stayed in their vehicle. More than three out of four people who were ejected from their vehicles in 1984 were killed. NHTSA, 1986

• Automobile accidents account for approximately 50 percent of all Social Security payments. In 1980 alone, Social Security survivor benefits to the relatives of persons killed in motor vehicle accidents were over \$643 million. NHTSA, 1985

• Three out of every four traffic accidents happened within 25 miles of the home. H.U.F., 1984

• In 1980, those portions of public assistance programs which accrue because of motor vehicle accidents, the immediate expenses relating to government workers involved in motor vehicle accidents, tax losses, and the cost of government programs related to motor-vehicle safety, are estimated to have cost the Federal Government \$7.5 billion in revenue and expenditures. Similar expenditures cost State and local Government about \$3.4 billion. NHTSA, 1983

• 172,490,000 U.S. citizens are now covered by safety-belt-use laws. Traffic Safety Now, Inc., 1987

• It is estimated if 70 percent of Americans regularly wore their safety belts in 1983, 9,140 lives would have been saved and 327,000 injuries would have been avoided. NHTSA, 1986

STATES WITH MANDATORY SAFETY BELT LAWS
(in order of passage)

<u>STATE</u>	<u>DATE PASSED</u>	<u>EFF. DATE</u>	<u>PENALTY EFFECTIVE</u>	<u>PRIMARY/SECONDARY</u>	<u>\$ AMT. FINE</u>	<u>USAGE % RATE</u>
✓ New York	07-12-84	12-01-84	01-01-85	P	up to \$50.	52% approx.
✗ New Jersey	11-08-84	03-01-85	03-01-85	S	\$20.	
✓ Illinois	01-08-85	07-01-85	07-01-85	S	\$25.	36%
✓ Missouri	03-05-85	09-28-85	07-01-87	S	\$10.	35.7%
✓ Michigan	03-08-85	07-01-85	07-01-85	S	\$25.	55%
✗ New Mexico	04-02-85	01-01-86	01-01-86		\$25.	
Indiana	04-17-85	07-01-87	07-01-87	P	up to \$25.	20%
✗ North Carolina	05-23-85	10-01-85	01-01-87	P	\$25.	78%
Oklahoma	05-04-86	02-01-87	02-01-87	S	\$10.+ \$15 court costs	
✗ Hawaii	06-05-85	12-16-85	12-16-85			
✓ Texas	06-16-85	09-01-85	12-01-85		up to \$50.	50+%
✓ Connecticut	06-27-85	01-01-86	01-31-86	P	\$15.	63% H'ways. 83% Int'sts.
^ Louisiana	07-10-85	07-01-86	08-01-86	S	\$25.	55%
✗ California	10-01-85	01-01-86	01-01-86	S	\$20.	53%-72%
District of Columbia	10-22-85	12-12-85	06-12-86	S	\$15.	55%
✗ Ohio	02-04-86	05-06-86	07-04-86		\$20.	46.7%
✗ Iowa	02-20-86	07-01-86	01-01-87	P	\$10.+ court costs	60%
✗ Minnesota	02-24-86	08-01-86	No Fine			32%
✓ Utah	03-18-86	05-18-86	Warning: 2-6 mos.	S	\$10.	28% Rural 46% Int'sts.
✗ Washington	03-31-86	07-01-86	01-01-87	S	\$47.	
✗ Idaho	04-04-86	07-01-86	07-01-86	S	\$5.+ court costs	22.6%
✗ Tennessee	04-21-86	04-21-86	01-01-87			
✗ Kansas	05-01-86	07-01-86	07-01-87			
^ Maryland	05-13-86	07-01-86	07-01-86	S	\$25.	59%
✗ Florida	06-02-86	07-01-86	01-01-87	S	\$20.	60%

Update:
2/17/87 - VIRGINIA seat belt law bill
to be signed by Governor
shortly - Virginia will become
25th state with a law.

1/12/87

5

PUBLIC DOESN'T HAVE RIGHT NOT TO WEAR BELTS

Editorial Comment by
Dr. Joseph D. Mann
Grand Rapids, Mich. area physician

Some people have spoken out against safety-belt-use laws because they say the legislation limits "personal freedom."

What a strange kind of freedom this is. It's the freedom to risk fractures, paralysis, fatal bleeding, disfigurement, blindness, life-long idiocy, and hopeless dependency.

It's the freedom to leave one's family grieving or worse, to become a hopeless perpetual burden upon them. It's having the right to destroy one's capacity for usefulness to society and in an instant become a liability.

These lovers of individual freedom don't expect to be left bleeding and broken at the scene, if their folly leads to disaster.

They expect to be attended by emergency medical technologist, transported to modern hospitals and treated in emergency rooms.

They expect physicians and other medical professionals to completely cure them at no cost so they can get back in their cars and speed away unencumbered and unrestrained.

This may be individual freedom, but it's collective folly for society. Our resources, financial and human are finite. Safety belts should be prescribed for patients complaining about medical costs.

Money aside, what about the human resources? Despite all the modern medical advances, a surgeon can operate on only one patient at a time.

How would you feel if your child was struck by a hit-and-run driver and was brought to an emergency room that was busy treating a person who couldn't stand wearing a safety belt?

Society has a right to protect its resources -- including medical resources. A safety-belt-use law is part of that effort.

"FREEDOM OF CHOICE"

ISSUE:

The most common argument against safety-belt-use laws contends that the laws are an unreasonable infringement on individual liberty -- "If I want to risk my own life, I have the right to do so." Are safety-belt-use laws an infringement on personal rights?

POSITION:

In a sense, but safety-belt-use laws are no different than other traffic-safety measures which affect us all, such as mandatory driver exams, licensing and rules of the road. Safety-belt use does affect others. If someone is killed or seriously injured when it could have been prevented if safety belts were used, it affects their spouses, children, brothers, sisters, friends and other loved ones. In addition, the cost of needless fatalities and serious injuries are paid by society in increased taxes, insurance premiums and health-care costs.

BACKGROUND:

Every highway death or serious injury has a rippling effect which begins at the crash site, spreads through the families and the workplace of the victims and extends into society. It does affect these people when someone chooses not to buckle up.

Safety belts not only protect drivers and passengers on the road, they reduce the burden automobile accidents place upon society as a whole. The National Highway Traffic Safety Administration (NHTSA) estimates traffic accidents cost society -- taxpayers, insurance rate payers and employers -- \$40 billion each year. Costs include emergency services, public-assistance programs, insurance, and legal costs. NHTSA's estimate of the total public cost of highway deaths and injuries translates to \$300 for every man, woman and child in America, each and every year. Each employee fatality is estimated to cost an employer \$120,000.

The cost of lifetime care for a person who sustains a serious head injury in an accident could total between \$4 million and \$9 million, according to the National Head Injury Foundation. All these costs are borne by society and that makes safety belts everyone's business.

Another benefit of buckling up is that all occupants of an impacted car are held in place instead of becoming "unguided missiles." This means the driver and passengers will not physically endanger each other. In addition, the driver will be better able to maintain control of the vehicle, preventing the possibility of another accident and injury to others including pedestrians.

Safety-belt use can reduce the chances of deaths and serious injuries in automobile accidents by 50 percent. It also can lessen the burden shared by families, loved ones, taxpayers and employers after a needless death or serious injury caused by an accident on our roads and highways. And, experience has shown that high belt use can only be attained in states with safety-belt laws.

Alaska State Legislature

SENATOR KEN FANNING
PO. BOX 80929
COLLEGE, ALASKA 99708



PO. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3880

Senate

January 28, 1988

RECEIVED
JAN 28 1988

Senator Mitch Abood, Chairman
Senate Committee on State Affairs
P.O. Box V
Juneau, Alaska 99811

Dear Senator Abood:

I notice that you have scheduled HB 167, the mandatory seat belt law, for hearing in State Affairs on Monday, February 1st.

I have a particular interest in that legislation, and am pleased to see you have scheduled a hearing on it. Since the bill has far-reaching impacts, and because of my interest in its effects on urban and rural Alaskans, I would request a special subcommittee, with myself as chairman, be appointed to evaluate possible amendments or even a committee substitute for the bill. I believe Senators Hensley and Uehling of your committee would be willing to serve on the subcommittee, and would offer a proper statewide perspective.

Thank you for your consideration of this request. I hope we will be able, through our deliberations, to craft an appropriate means to address this problem.

Best regards,

A handwritten signature in black ink, appearing to read "Ken Fanning", written over a horizontal line.

Senator Ken Fanning

KF/jwm

#B167

Circulate this information to other Senate members at the request of Senator Syzmanski. The letter was dictated from a phone call.

RECEIVED
MAY 08 1987

May 7, 1987

sent belt

RECEIVED
MAY 08 1987

Irma Scavenius
2009 Wildwool Lane
Anchorage, Alaska 99503
Ph. # 279-1380

Dear Mike,

I wanted to let you know that I am opposed to a manditory seat belt law for adults and children from the intermediate grades on up.

In my childhood 4 men sitting up in a car were involved in an accident, 3 of them were decapitated because they were in a sitting position. The top caved in!

Also, my sister bares a scar from her cheek bone to her lower jaw because she was sitting up in the front seat as glass shattered. Max England who's folks own the New Method Cleaners, stopped her a few years ago and asked me if I remembered him after 30 years. I said that I did recognize him. He then said that I had saved his life a few weeks before. He asked if I remembered teaching students what to do in an accident. Then he went on and said that a couple of weeks before he had a new car and was involved in a head on collision. Even as the driver, he was able to get on the floor which saved his life.

So, most of my 33 years of teaching I have taught my classes in science, history or other subjects by stopping abruptly and having all the class repeat wha they would do in a car accident: 1) By seeing or using the key word "DUCK" they would get down of the floor with elbow's in and hands covering bowed head. Even the driver gets as close to the floor as possible. 2) After the crash turn the ignition off. 3) Get out of the car. If any passenger has twisted or out of shape body leave them alone. 4) If the driver, mom, dad is in shock (described to class), say to that person (slowly) calm down. Put hands on back or on their hands and repeat. 5) Notify police and call an ambulance. Write names of witnesses by whatever means possible (even using lipstick or with a stick in the sand).

I have had more than one student tell me that the instruction I provided over the years has been a life saver in many accident situations. Again, I would like to say that I am strongly opposed the manditory seat belt law.

Sincerely,

Irma Scavenius

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An act relating to mandatory use of safety devices."
Sponsor: Cotten, Limer, Koponen, ...
Requestor: Senate State Affairs

Agency Affected: PUBLIC SAFETY
BRU: Highway Safety Planning Agency

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated. Revenue generated will be negligible.

Prepared by: Ellen Moore, Program Coordinator
Division: Highway Safety Planning Agency

Phone: 465-4375
Date: January 28, 1988

Approved by Commissioner: David H. ...
Agency: Department of Public Safety

Date: 1-28-88

Distribution (by preparer):

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

Position Paper

CS for House Bill No. 167 (Judiciary)

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." Children under 4 years old are required to be in a U.S. Department of Transportation (DOT) approved child safety device, and children between four and sixteen must be in an approved safety device or secured by a safety belt.

This bill would exempt emergency vehicle passengers from the requirement, as well as vehicle operators engaged in the delivery of mail and others as determined by regulation where a restraint is impractical for medical or other physical conditions.

This bill would establish a penalty of up to \$15 in fines which could be waived in lieu of a contribution to Emergency Medical Services (EMS).

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

- 1) Motor vehicle crashes are a leading cause of death, injury and longterm disability;
- 2) Numerous studies have shown that safety belts and other vehicle safety restraints 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 safety belts have failed to convince the majority of vehicle occupants to use them.
- 4) Motor vehicle crashes are the single most frequently mentioned cause of injury responded to by EMS ambulances. The proposed donation in lieu of a fine would help defray the cost of these services.

Background

Nationally, Motor vehicle crashes are the leading cause of death for persons between 1 and 35 years of age. For teenagers, car crash fatalities outnumber the next five causes of death combined.

Over the past decade more than 450,000 persons have died on America's highways. Every year over 40,000 persons are killed in automobile accidents in the United States, and more than 300,000 people suffer moderate to severe and critical injuries. Many of the injured are young people who will never work again for the rest of their lives.

In Alaska, from 1980 through 1984, unintentional injuries (accidents) have been the leading cause of death. Motor vehicle crashes and drowning have been the chief causes of these deaths. In 1985 there were 127 deaths and more than 6,000 Alaskans were injured as a result of motor vehicle crashes in this state.

According to the Division of Insurance, bodily injury claims payments for private passenger non-fleet automobile liability in Alaska totaled over six million dollars in 1983 and was over eight million in 1984. These amounts 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, motor vehicle crashes create a significant financial burden which is shared by all citizens.

Worldwide, about 30 countries have mandated safety belt use. In Great Britain safety belt use rose from about 40% to 90-95% with the passage of a mandatory use law. At the same time, the number of individuals treated in emergency rooms as the result of motor vehicle crashes has dropped 15%. There were also 15 to 20% fewer fatalities in the years since the passage of the law.

In Canada, four provinces have enacted mandatory safety belt use laws. The effectiveness of these laws in increasing belt use has been shown to be dependent on the degree to which they are enforced. In provinces where strict enforcement has been practiced belt use has been as high as 80%. Deaths due to motor vehicle crashes have declined 11% and injuries 6% in provinces with mandatory use laws.

In this country, twenty-five states and the District of Columbia now have mandatory belt use laws. New York was the first state to pass such a law. Seatbelt use there has ranged from 39% to 78%. These use rates have resulted in about a 9% drop in motor vehicle crash fatalities.

It is clear that the use of safety belts can reduce the number of deaths and disabilities due to motor vehicle crashes. A mandatory safety belt use law would go far to achieve this goal and complement existing traffic safety legislation regarding driving while intoxicated, maximum speed limits, and licensing requirements.

Position

The Department of Health and Social Services strongly supports this bill because it can result in decreases in the number of deaths, disabilities and injuries caused by motor vehicle crashes.

Recommended by: Elizabeth Ward, M.N.
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 5/11/87

POSITION PAPER / Department of Health and Social Services

Approved by:

Myra M. Munson

Myra M. Munson, Commissioner
Department of Health and
Social Services

Date:

5/13/87

DEPARTMENT OF
PUBLIC SAFETY
/
OFFICE OF
AFFAIRS
/
COMMUNITY
RELATIONS

BILL NO: CS HB 167 (SA)

DATE: April 1, 1987

TITLE: An Act relating to
mandatory use of safety devices

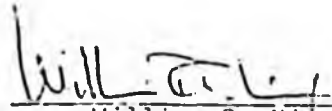
CONTACT: Ellen Moore

In the jurisdictions that have had the longest experience with safety belt use laws, it has been found that the greater the level of increase in seatbelt use, the greater the reduction in fatalities and serious injuries. Correspondingly, the more stringent the law, the higher the compliance.

The Committee Substitute (State Affairs) for House Bill 167 provides for "secondary" enforcement of the proposed safety belt statute as well as the existing child restraint statute. It is the position of the Highway Safety Planning Agency that this weakens the extremely successful child restraint law. In fact, such a provision may reverse the trend toward increased safety belt use that began about the time the child restraint law went into effect.

We recommend that the child restraint section [AS 28.05.095(b)] be extended to cover children up to age sixteen. Without this change, it would be possible to issue a citation to a child as young as seven years old. We also recommend that the so-called secondary enforcement section be revised to include only adult belt use. Violation of the child restraint section would remain a "primary" offense.

Finally, AS 28.05.099(a) reduces the fine for a violation of the child restraint law from a possible \$300 to \$15. We are neutral on this change, but we believe that Sec. 28.05.099(b), which provides for dismissal on proof of "correction", should be repealed if mail-in-bail for this offense is established.



William P. Rix
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSHR 167 (SA)

Publish Date: _____

REQUEST

Revision Date: _____

Agency Affected: PUBLIC SAFETY

Title: "An Act relating to
mandatory use of safety devices."

BRU: Highway Safety Planning Agency

Sponsor: Cotten, Ulmer Koponen, ...

Components: _____

Requestor: House Judi

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated. Amendment reduces the maximum fine for violation of the child restraint law from \$300 to \$15 and changes it from primary to secondary enforcement. This negative revenue impact will be offset by fines collected for violation of the adult use provision.

Prepared by: Ellen Moore, Program Coordinatory Phone: 465-4375

Division: Highway Safety Planning Agency Date: 3/23/87

Approved by Commissioner: [Signature] Date: 3/23/87

Agency: Public Safety

Distribution (by preparer):

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

Position Paper

House Bill No. 167

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." Children under 4 years old are required to be in a U.S. Department of Transportation (DOT) approved child safety device, and children between four and six must be in an approved safety device or secured by a seatbelt.

This bill would exempt school bus and emergency vehicle passengers from the requirement, vehicle operators engaged in the delivery of mail and others as determined by regulation where a restraint is impractical for medical or other physical conditions.

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

- 1) Motor vehicle crashes are a leading cause of death, injury and longterm disability;
- 2) Numerous studies have shown that seat belts and other vehicle safety restraints 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 seatbelts have failed to convince the majority of vehicle occupants to use them.

Background

Motor vehicle crashes are the leading cause of death for persons between 1 and 35 years of age. For teenagers, car crash fatalities outnumber the next five causes of death combined.

Nationally, over the past decade more than 450,000 persons have died on America's highways. Every year over 40,000 persons are killed in automobile accidents in the United States, and more than 300,000 people suffer moderate to severe and critical injuries. Many of the injured are young people who will never work again for the rest of their lives.

In Alaska, from 1980 through 1984, unintentional injuries (accidents) have been the leading cause of death. Motor vehicle crashes and drowning have been the chief causes of these deaths. In 1985 there were 127 deaths and more than 6,000 Alaskans were injured as a result of motor vehicle crashes in this state.

According to the Division of Insurance, bodily injury claims payments for private passenger non-fleet automobile liability in Alaska totaled over six million dollars in 1983 and was over eight million in 1984. These amounts 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, motor vehicle crashes create a significant financial

burden which is shared by all citizens.

Worldwide, about 30 countries have mandated seat belt use. In Great Britain seat belt use rose from about 40% to 90-95% with the passage of a mandatory use law. At the same time, the number of individuals treated in emergency rooms as the result of motor vehicle crashes has dropped 15%. There were also 15 to 20% fewer fatalities in the years since the passage of the law.

In Canada, four provinces have enacted mandatory seat belt use laws. The effectiveness of these laws in increasing belt use has been shown to be dependent on the degree to which they are enforced. In provinces where strict enforcement has been practiced belt use has been as high as 80%. Deaths due to motor vehicle crashes have declined 11% and injuries 6% in provinces with mandatory use laws.

In this country, twenty-five states and the District of Columbia now have mandatory belt use laws. New York was the first state to pass such a law. Seatbelt use there has ranged from 39% to 76%. These use rates have resulted in about a 9% drop in motor vehicle crash fatalities.

It is clear that the use of seat belts can reduce the number of deaths and disabilities due to motor vehicle crashes. A mandatory seat belt use law would go far to achieve this goal and complement existing traffic safety legislation regarding driving while intoxicated, maximum speed limits, and licensing requirements.

Position

The Department of Health and Social Services strongly supports this bill because it can result in decreases in the number of deaths, disabilities and injuries caused by motor vehicle crashes.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date:

March 18, 87

Approved by:

Myra M. Munson
Myra M. Munson, Commissioner
Department of Health and
Social Services

Date:

March 19, 1987

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : HB 167
Publish Date : _____

Revision Date: _____
Title: An act relating to mandatory safety devices

Agency Affected: Health
BRU: State Health Services

Sponsor: COTTON, Ulmer, Koponen, et al
Requestor: _____

Components: Public Health Administration services - EMS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Enactment of HB 167 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Mark S. Johnson
Division: PUBLIC HEALTH

Phone: 465-3027
Date: MARCH 12, 1987

Approved by Commissioner: *Anna M. Murrain*
Agency: Dept. of Health & Social Services

Date: 3/19/87

Distribution (by preparer):

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

BILL NO: HB 167

DATE: March 10, 1987

TITLE: An Act relating to mandatory use of safety devices

CONTACT: Ellen ~~Moyle~~

DEPARTMENT OF PUBLIC SAFETY / MISSOURI

As many as 50% of traffic deaths and 65% of the injuries could be prevented if all motorists wore the safety belt that has been required equipment in every passenger vehicle manufactured since 1968.

Highway safety professionals have urged the use of these devices through public information and education programs for twenty years, and have had only limited success in increasing their use.

Twenty-five states now require motorists to wear seatbelts. Each state has experienced different levels of compliance and, as a consequence, different rates of reduction in fatalities and injuries. The more stringent the law and the more diligent the enforcement, the higher the rate of usage that has been achieved and the greater the reduction in fatalities and injuries. However, it must be pointed out that regardless of the emphasis placed on enforcement, usage rates have increased in every state that has enacted seatbelt legislation of any kind.

The health and safety of its citizens are legitimate concerns of every state government. The failure of most motorists to wear their safety belts affects each of us every time we renew our automobile insurance. Automobile accidents are the largest single response category for ambulance services. As many as 25% of all ambulance trips are to the scene of injury-producing traffic accidents. Peace officers spend an enormous amount of time investigating automobile accidents, especially when injuries or deaths are involved. Hospital emergency rooms and rehabilitation centers are among other direct services provided to victims of automobile accidents. State and local governments directly fund these activities. The indirect costs to society are even greater in terms of vitality and productivity lost and dependents added to the welfare roles.

The Department of Public Safety supports passage of this bill.

William R. Nix
Acting Commissioner

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF STATE TROOPERS

BILL SHEFFIELD, GOVERNOR
Robert J. Sundberg
Commissioner

5700 E. TUDOR ROAD
ANCHORAGE, ALASKA 99507

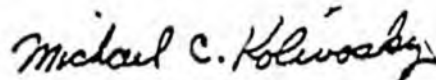
March 3, 1986

Mr. Frank Bickford
Statewide Coordinator
Alaska Safety Belt Use Coalition
319 Seward Street, #8
Juneau, Alaska 99801

Dear Mr. Bickford:

The Alaska State Troopers enforcement of a mandatory seat belt law will be that enforcement incidental to other traffic stops in the normal course of patrol as well as information developed in the course of traffic accident investigations.

Sincerely,



Colonel Michael C. Kolivosky
Director
Alaska State Troopers

MCK/ln

cc: Rep. M. Mike Miller

Facts and Attribution

7/13/87

- Safety-belt-use laws saved 1,300 lives since the effective date of the first belt-use law in 1985. National Highway Traffic Safety Administration (NHTSA), 1987
- The probability of being involved in a motor-vehicle injury accident during a 75-year lifetime is better than 86 percent. NHTSA, 1987
- There were 39,168 fatal accidents resulting in 43,795 fatalities in 1985. (Includes drivers or passengers in all types of motor vehicles, pedestrians and pedalcyclists.) NHTSA, 1987
- There were 23,192 passenger-car fatalities and 5,763 light truck-fatalities in 1985. NHTSA, 1987
- Approximately 3,551,000 people were injured in traffic accidents in 1984. (2,800,000 in passenger car accidents alone.) NHTSA, 1986
- On average, one life is lost every 12 minutes in traffic accidents. NHTSA, 1987
- In 1985, 91 percent of the occupants killed in auto accidents were not wearing their safety belts. NHTSA, 1987
- Surviving drivers are 2.5 times more likely to be wearing their safety belt than fatally injured ones. NHTSA, 1986
- Of those killed in motor vehicle accidents, 58 percent are drivers, 24 percent are passengers and 18 percent are non-occupants. NHTSA, 1987
- Of automobile-related deaths, 86 percent occur during normal weather conditions. NHTSA, 1987
- For young adults, 15 to 24 years old, traffic accidents rank as the No. 1 killer. Highway Users Federation and the Automotive Safety Foundation (H.U.F.), 1985

via
Frank
B. Schaefer

— National Health, Transportation Safety Commission.

- Most fatal accidents occur at speeds of less than 35 miles per hour. NHTSA, 1987
- Automobile accidents cost employers an average of \$120,000 per death and \$1.9 billion annually. H.U.F., 1985
- The cost of all traffic deaths and injuries in the United States during 1984 was about \$69.2 billion. NHTSA, 1986
 - \$27.5 billion in property damage
 - \$15.2 billion in lost productivity
 - \$ 3.8 billion in medical costs
 - \$22.7 billion in other costs (such as insurance administration, legal and court costs and emergency services.)
- People who are ejected from their vehicles are 25 times more likely to be killed than if they stayed in their vehicle. More than three out of four people who were ejected from their vehicles in 1984 were killed. NHTSA, 1986
- Automobile accidents account for approximately 50 percent of all Social Security payments. In 1980 alone, Social Security survivor benefits to the relatives of persons killed in motor vehicle accidents were over \$643 million. NHTSA, 1985
- Three out of every four traffic accidents happened within 25 miles of the home. H.U.F., 1984
- In 1980, those portions of public assistance programs which accrue because of motor vehicle accidents, the immediate expenses relating to government workers involved in motor vehicle accidents, tax losses, and the cost of government programs related to motor-vehicle safety, are estimated to have cost the Federal Government \$7.5 billion in revenue and expenditures. Similar expenditures cost State and local Government about \$3.4 billion. NHTSA, 1983
- 172,490,000 U.S. citizens are now covered by safety-belt-use laws. Traffic Safety Now, Inc., 1987
- It is estimated if 70 percent of Americans regularly wore their safety belts in 1983, 9,140 lives would have been saved and 327,000 injuries would have been avoided. NHTSA, 1986

2/87

STATES WITH MANDATORY SAFETY BELT LAWS
(in order of passage)

<u>STATE</u>	<u>DATE PASSED</u>	<u>EFF. DATE</u>	<u>PENALTY EFFECTIVE</u>	<u>PRIMARY/ SECONDARY</u>	<u>\$ AMT. FINE</u>	<u>USAGE % RATE</u>
✓ New York	07-12-84	12-01-84	01-01-85	P	up to \$50.	52% approx.
✗ New Jersey	11-08-84	03-01-85	03-01-85	S	\$20.	
✗ Illinois	01-08-85	07-01-85	07-01-85	S	\$25.	36%
✗ Missouri	03-05-85	09-28-85	07-01-87	S	\$10.	35.7%
✓ Michigan	03-08-85	07-01-85	07-01-85	S	\$25.	55%
✗ New Mexico	04-02-85	01-01-86	01-01-86		\$25.	
Indiana	04-17-85	07-01-87	07-01-87	P	up to \$25.	20%
✗ North Carolina	05-23-85	10-01-85	01-01-87	P	\$25.	78%
Oklahoma	06-04-86	02-01-87	02-01-87	S	\$10.+ \$15 court costs	
✗ Hawaii	06-05-85	12-16-85	12-16-85			
✓ Texas	06-16-85	09-01-85	12-01-85		up to \$50.	50+%
✓ Connecticut	06-27-85	01-01-86	01-31-86	P	\$15.	63% H'ways. 83% Int'sts.
✗ Louisiana	07-10-85	07-01-86	08-01-86	S	\$25.	55%
✗ California	10-01-85	01-01-86	01-01-86	S	\$20.	53%-72%
District of Columbia	10-22-85	12-12-85	06-12-86	S	\$15.	55%
✗ Ohio	02-04-86	05-06-86	07-04-86		\$20.	46.7%
✗ Iowa	02-20-86	07-01-86	01-01-87	P	\$10.+ court costs	60%
✗ Minnesota	02-24-86	08-01-86	No Fine			32%
✗ Utah	03-18-86	05-18-86	Warning: 2-6 mos.	S	\$10.	28% Rural 46% Int'sts.
✗ Washington	03-31-86	07-01-86	01-01-87	S	\$47.	
✗ Idaho	04-04-86	07-01-86	07-01-86	S	\$5.+ court costs	22.6%
✗ Tennessee	04-21-86	04-21-86	01-01-87			
✗ Kansas	05-01-86	07-01-86	07-01-87			
✗ Maryland	05-13-86	07-01-86	07-01-86	S	\$25.	59%
✗ Florida	06-02-86	07-01-86	01-01-87	S	\$20.	60%

Update:
2/17/87 - VIRGINIA seat belt law bill
to be signed by Governor
shortly - Virginia will become
25th state with law.

1/12/87

5

PUBLIC DOESN'T HAVE RIGHT NOT TO WEAR BELTS

Editorial Comment by
Dr. Joseph D. Mann
Grand Rapids, Mich. area physician

Some people have spoken out against safety-belt-use laws because they say the legislation limits "personal freedom."

What a strange kind of freedom this is. It's the freedom to risk fractures, paralysis, fatal bleeding, disfigurement, blindness, life-long idiocy, and hopeless dependency.

It's the freedom to leave one's family grieving or worse, to become a hopeless perpetual burden upon them. It's having the right to destroy one's capacity for usefulness to society and in an instant become a liability.

These lovers of individual freedom don't expect to be left bleeding and broken at the scene, if their folly leads to disaster.

They expect to be attended by emergency medical technologist, transported to modern hospitals and treated in emergency rooms.

They expect physicians and other medical professionals to completely cure them at no cost so they can get back in their cars and speed away unencumbered and unrestrained.

This may be individual freedom, but it's collective folly for society. Our resources, financial and human are finite. Safety belts should be prescribed for patients complaining about medical costs.

Money aside, what about the human resources? Despite all the modern medical advances, a surgeon can operate on only one patient at a time.

How would you feel if your child was struck by a hit-and-run driver and was brought to an emergency room that was busy treating a person who couldn't stand wearing a safety belt?

Society has a right to protect its resources -- including medical resources. A safety-belt-use law is part of that effort.

"FREEDOM OF CHOICE"

ISSUE:

The most common argument against safety-belt-use laws contends that the laws are an unreasonable infringement on individual liberty -- "If I want to risk my own life, I have the right to do so." Are safety-belt-use laws an infringement on personal rights?

POSITION:

In a sense, but safety-belt-use laws are no different than other traffic-safety measures which affect us all, such as mandatory driver exams, licensing and rules of the road. Safety-belt use does affect others. If someone is killed or seriously injured when it could have been prevented if safety belts were used, it affects their spouses, children, brothers, sisters, friends and other loved ones. In addition, the cost of needless fatalities and serious injuries are paid by society in increased taxes, insurance premiums and health-care costs.

BACKGROUND:

Every highway death or serious injury has a rippling effect which begins at the crash site, spreads through the families and the workplace of the victims and extends into society. It does affect these people when someone chooses not to buckle up.

Safety belts not only protect drivers and passengers on the road, they reduce the burden automobile accidents place upon society as a whole. The National Highway Traffic Safety Administration (NHTSA) estimates traffic accidents cost society -- taxpayers, insurance rate payers and employers -- \$40 billion each year. Costs include emergency services, public-assistance programs, insurance, and legal costs. NHTSA's estimate of the total public cost of highway deaths and injuries translates to \$300 for every man, woman and child in America, each and every year. Each employee fatality is estimated to cost an employer \$120,000.

The cost of lifetime care for a person who sustains a serious head injury in an accident could total between \$4 million and \$9 million, according to the National Head Injury Foundation. All these costs are borne by society and that makes safety belts everyone's business.

Another benefit of buckling up is that all occupants of an impacted car are held in place instead of becoming "unguided missiles." This means the driver and passengers will not physically endanger each other. In addition, the driver will be better able to maintain control of the vehicle, preventing the possibility of another accident and injury to others including pedestrians.

Safety-belt use can reduce the chances of deaths and serious injuries in automobile accidents by 50 percent. It also can lessen the burden shared by families, loved ones, taxpayers and employers after a needless death or serious injury caused by an accident on our roads and highways. And, experience has shown that high belt use can only be attained in states with safety-belt laws.

Alaska State Legislature

SENATOR KEN FANNING
PO BOX 80929
COLLEGE, ALASKA 99708



PO. BOX V—STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3880

Senate

January 28, 1988

RECEIVED
JAN 28 1988

Senator Mitch Abood, Chairman
Senate Committee on State Affairs
P.O. Box V
Juneau, Alaska 99811

Dear Senator Abood:

I notice that you have scheduled HB 167, the mandatory seat belt law, for hearing in State Affairs on Monday, February 1st.

I have a particular interest in that legislation, and am pleased to see you have scheduled a hearing on it. Since the bill has far-reaching impacts, and because of my interest in its effects on urban and rural Alaskans, I would request a special subcommittee, with myself as chairman, be appointed to evaluate possible amendments or even a committee substitute for the bill. I believe Senators Hensley and Uehling of your committee would be willing to serve on the subcommittee, and would offer a proper statewide perspective.

Thank you for your consideration of this request. I hope we will be able, through our deliberations, to craft an appropriate means to address this problem.

Best regards,

A handwritten signature in cursive script, appearing to read "Ken Fanning".

Senator Ken Fanning

KF/jwm

H8167

Circulate this information to other Senate members at the request of Senator Syzmanski. The letter was dictated from a phone call.

RECEIVED
MAY 08 1987

May 7, 1987

Jeff Bell

RECEIVED
MAY 08 1987

Irma Scavenius
2009 Wildwool Lane
Anchorage, Alaska 99503
Ph.# 279-1380

Dear Mike,

I wanted to let you know that I am opposed to a manditory seat belt law for adults and children from the intermediate grades on up.

In my childhood 4 men sitting up in a car were involved in an accident, 3 of them were decapitated because they were in a sitting position. The top caved in!

Also, my sister bares a scar from her cheek bone to her lower jaw because she was sitting up in the front seat as glass shattered. Max England who's folks own the New Method Cleaners, stopped her a few years ago and asked me if I remembered him after 30 years. I said that I did recognize him. He then said that I had saved his life a few weeks before. He asked if I remembered teaching students what to do in an accident. Then he went on and said that a couple of weeks before he had a new car and was involved in a head on collision. Even as the driver, he was able to get on the floor which saved his life.

So, most of my 33 years of teaching I have taught my classes in science, history or other subjects by stopping abruptly and having all the class repeat what they would do in a car accident: 1) By seeing or using the key word "DUCK" they would get down of the floor with elbows in and hands covering bowed head. Even the driver gets as close to the floor as possible. 2) After the crash turn the ignition off. 3) Get out of the car. If any passenger has twisted or out of shape body leave them alone. 4) If the driver, mom, dad is in shock (described to class), say to that person (slowly) calm down. Put hands on back or on their hands and repeat. 5) Notify police and call an ambulance. Write names of witnesses by whatever means possible (even using lipstick or with a stick in the sand).

I have had more than one student tell me that the instruction I provided over the years has been a life saver in many accident situations. Again, I would like to say that I am strongly opposed the manditory seat belt law.

Sincerely,

Irma Scavenius

r

February 1, 1985

STATEMENT BY

Frank Bickford, Executive Director of Alaska Safety Belt Use Coalition in support of CSHB 167 (Judiam) given before the Senate State Affairs Committee

I am here today on behalf of the 50 organizations that have adopted resolutions in support of a required safety belt use law in Alaska (CSHB 167).

These organizations have considered the facts presented in terms of savings of lives and savings of dollars, and made a decision to support CSHB 167.

This is a public health issue that will impact every Alaskan. All CSHB 167 is, is requiring responsible behavior by motor vehicle occupants while using public roads. CSHB 167 is a secondary offense law which means that if a driver is stopped for a primary offense such as speeding or reckless driving, and is not wearing a safety belt, then a \$15 ticket can be issued. This type of enforcement has been working across the country because it has been accompanied by aggressive educational campaigns, that are paid for by safety belt coalitions and by the fact that the law is self-enforcing.

In 1983 and 1987 statewide polls conducted by Hellenthal & Associates, show that over 65% of Alaskan residents support CSHB 167. This poll points to the fact that the Alaskan public wants to start saving lives, reducing injuries, and saving money by adopting a safety belt use law.

This is a bi-partisan issue. Safety belt use legislation across the country has been endorsed by President Ronald Reagan (R) and former Speaker Tip O'Neil (D) and in Alaska it has been endorsed former Speaker Joe Hayes (R) and former Representative Mike Milier (D) of Juneau.

In 1985 and 1986, 166 out of the 176 Alaskans killed on our streets and highways were not wearing safety belts. Statistics from safety experts show that there is better than 50% probability that the deaths would have been avoided if Alaska had a safety belt use law.

There are now 32 states plus D.C. that have passed safety belt use laws. Data shows that compliance is much higher than it was prior to the law, even with a drop in compliance once the law is in effect, it is still substantially higher than pre-law statistics.

The latest Alaska Highway Users Federation report under the Chairmanship of Bill Schneider estimates that CSHB 167 can save 35 lives a year, reduce the hardship and cost of over 600 injuries and save \$18 Million a year to the State of Alaska, in medical costs, insurance expenses, legal cost, loss of productivity and other costs such as police, fire department, and emergency medical services costs.

The issue of CSHB 167 is not individual rights but public safety. You have the right to say what you feel, write what you think and go where you will. A safety belt use law is not going to change any of that. You do not have the right to burden your neighbors by becoming a permanent ward of the state.

RESOLUTIONS AND LETTERS OF SUPPORT FOR A SAFETY BELT USE LAW (CSHB 167)
As of January 31, 1988

AAA Alaska
Alaska Academy of Physicians Assistants
Alaska Branch '3 M
Alaska Council on Prevention of Alcohol and Drug Abuse
Alaska Dental Society
Alaska Health Education Consortium
Alaska Nurses Association
Alaska Review Board on Alcoholism
Alaska State Medical Association
Alaska State Medical Association Auxiliary
Alaska Treatment Center
American Society of Safety Engineers / AI Chapter
Anchorage Obstetrics & Gynecology
Anchorage Sand & Gravel
Anchorage Gymnastics
Arco Alaska
B & C Supply
Blue Cross of Washington and Alaska
Chevron USA
Chuck E. Cheese, Inc.
Consolidated Freightways
Denali Transportation dba Pacific Movers
Directors' Federal Safety & Health Council/Southcentral Alaska
Eastwind, Inc.
Firestone Stores
Goodyear Tire & Rubber Co.
Harold's Rent-A-Truck
Health Association of Alaska
Highway Users Federation of Alaska
Humana Hospital/Executive Committee
Jackovich Industrial & Construction Supply
Joy E. Rosston-Zimmerman, R.N.C., A.N.P. (Humana Medical Plaza)
Juneau Retired Teachers Association
Junior Towne
Mammoth of Alaska
Mark J. Zimmerman, M.D., F.A.C.O.G. (Humana Medical Plaza)
Morrison-Knudsen Co.
Mothers Against Drunk Driving/Juneau & Anchorage Chapters
North Star Council on Aging
Peratovich, Nottingham & Drage, Inc.
Pioneer Honda
Pool Arctic, Inc.
Sea-Land Service, Inc.
Sourdough Adventures
State Advisory Council on Emergency Medical Services
Wilsyk Alaska, Inc.

Editorial Support

Anchorage Daily News
Anchorage Times

Juneau Empire
The Frontiersman

Valley Sun

A SAFETY BELT USE LAW IN ALASKA : THE TRUTHS VS. THE MYTHS

A SEAT BELT LAW IS UNCONSTITUTIONAL - ON MONDAY , FEBRUARY 23, 1987 THE U.S. SUPREME COURT UPHELD THE ILLINOIS BELT USE LAW. IN EFFECT, THE HIGH COURT HAS TOLD THE STATE COURTS AND LEGISLATURES THAT IT FINDS NO CONSTITUTIONAL BARRIER TO SAFETY BELT USE LAWS.

A SEAT BELT LAW WILL COST THE STATE MONEY TO IMPLEMENT - THE FACT IS IS THAT A LAW WILL COST ZERO TO IMPLEMENT. THE ALASKA SAFETY BELT USE COALITION, A NON - PROFIT SAFETY ORGANIZATION, PAYS FOR A ONE YEAR EDUCATIONAL CAMPAIGN TO ACCOMPANY THE NEW LAW. THE CAMPAIGN CONSIST OF T.V., RADIO, NEWSPAPER, AND DIRECT MAIL PSA'S AS WELL AS PRESENTATIONS TO COMMUNITY'S, SCHOOLS, AND INTERESTED ORGANIZATIONS AND CLUBS.

SEAT BELT LAWS DON'T WORK - ³² STATES AND THE DISTRICT OF COLUMBIA HAVE PASSED SEAT BELT USE LAWS. IN THE STATES WITH THE LONGEST EXPERIENCE WITH SEAT BELT LAWS, FACTS SHOW THAT SEAT BELT USAGE IS UP AND THAT DEATHS AND SERIOUS INJURIES ARE DOWN. THE STATES WITH THE LONGEST EXPERIENCE WITH SAFETY BELT USE LAWS - ILLINOIS, MICHIGAN, MISSOURI, NEW JERSEY, NEW YORK, NORTH CAROLINA AND TEXAS SHOW DECREASES IN FATALITIES RANGE FROM 10 - 26 PERCENT. IN OHIO SAFETY BELT USE REACHED NEARLY 50 PERCENT IN SEPTEMBER, 1986, TRIPLE THE AMOUNT OF OHIO MOTORISTS WHO BUCKLED UP BEFORE THE LAW WENT INTO EFFECT. IN NEW MEXICO A 20 PERCENT REDUCTION IN TRAFFIC DEATHS HAS OCCURED SINCE THE LAW WAS IMPLEMENTED. IN IOWA SAFETY BELT USAGE HAS RISEN TO 46 PERCENT FROM 27 PERCENT BEFORE THE LAW. IN LOUISIANA THERE HAS BEEN A SAVING OF ALMOST 100 LIVES COMPARED TO THE 1985 FIGURES. HAWAII - THE NUMBER OF TRAFFIC RELATED DEATHS HAS DECREASED 56 PERCENT SINCE THE LAW BECAME EFFECTIVE IN DECEMBER, 1985.

ALASKANS ARE NOT SUPPORTIVE OF A MANDATORY SEAT BELT LAW - THE FACT IS IS THAT OVER 65 PERCENT OF ALASKANS SUPPORT A MANDATORY SEAT BELT LAW. STRONG APPROVAL CAME FROM INDEPENDENTS (64.6 % IN FAVOR), DEMOCRATS (72.9 % IN FAVOR), AND REPUBLICANS (59.3 % IN FAVOR). 84.7 PERCENT OF THE SURVEY RESPONDENTS SAID THEY WOULD WEAR THEIR SEAT BELTS IF AN ALASKAN MANDATORY SEAT BELT LAW WERE PASSED. OVER 90 ORGANIZATIONS AND OVER 7,000 ALASKANS HAVE SIGNED PETITIONS IN FAVOR OF A MANDATORY SEAT BELT LAW IN ALASKA.

A MANDATORY SEAT BELT USE LAW IS UNENFORCEABLE - BELT USE LAWS ARE SELF ENFORCEABLE. THE HELLENTHAL SURVEY IN JANUARY SHOWED THAT 84.7 PERCENT OF ALASKANS WOULD OBEY THE LAW ONCE IT PASSED. THE STATES THAT HAVE PASSED BELT USE LAWS IN EFFECT HAVE COMPLIANCE RATES AVERAGING AT ABOUT 50 PERCENT WITH STATES LIKE HAWAII AT 81 PERCENT, TEXAS AT 66 PERCENT, MICHIGAN AT 55 PERCENT, LOUISIANA AT 55 PERCENT AND THE LIST GOES ON. BELT USE LAWS SERVE AS AN INCENTIVE TO THOSE WHO OTHERWISE WOULDN'T BUCKLE UP. ONCE THE HABIT OF BUCKLING UP OCCURS IT RARELY DIMINSHES .



* HELLENTHAL & ASSOCIATES POLL -

JANUARY 1987 - 1,473 ALASKANS WERE POLLED.

12/22/87
L.P. 1025
Letters to the editor

Seat belt proponent cites case, urges Senate to act soon in 1988

To the editor:

I read with interest your editorial of Dec. 15. I take exception with several statements that are clearly false. You state that if a safety belt law were in effect today, police officers could set up surveillance and pull over car after car and write tickets. The fact is, that if there were a safety belt use law in effect in Alaska, it would be a secondary offense, not a primary offense, as you have incorrectly stated.

A secondary offense means that if a driver is stopped for a primary offense, such as speeding or reckless driving, and is not wearing a safety belt, then a \$15 ticket can be issued. This type of enforcement has been working across the country because it has been accompanied by aggressive educational campaigns that are paid for by the Safety Belt Coalitions. Safety belt use laws serve as an incentive to those who otherwise wouldn't buckle up. Once the habit of buckling up occurs, it rarely diminishes.

Safety belt awareness campaigns have been in existence for over 25 years. The amount of money spent by states promoting these awareness programs have been billions of dollars. The results of these campaigns has been a 15-20% safety belt use rate. In just the last three years, the states with safety belt use laws have seen an average of 45-50% safety belt use rate.

The facts are clear that safety belt use laws are working in saving lives and money to the state treasuries.

When the safety belt use law passes in Alaska, the Alaska Safety Belt Use Coalition pays for a one-year educational campaign. This service provided by the coalition will mean that the state will not have to spend any money to implement the law.

Studies show that for every dollar invested in belt use, the state saves \$37.50.

Safety belts can reduce traffic fatalities which are eight times as expensive to investigate as non-injury accidents. Officers will have more time to concentrate on other traffic enforcement programs.

Your description of citizen volunteer motivation is only partially correct. The fact is that a safety belt law will save Alaska tremendous amounts of money. Motorists injured

and killed in traffic accidents because they were not wearing belts costs Alaska an estimated \$18 million each year (Highway Users Federal Study), including lost wages, medical expenses, insurance costs and property damage.

To those who continue to argue that a safety belt use law would infringe on individual rights, I must ask: "Have we forgotten that driving a motor vehicle in Alaska is a privilege, not a right?" I am confident that there are very few who advocate eliminating the legal requirements that drivers be licensed and motor vehicles be registered on the grounds that such requirements are an infringement of individual rights.

In 1985 and 1986, 166 out of the 176 Alaskans killed on our streets and highways were not wearing safety belts. This tragedy could have been prevented. Statistics from safety experts show that there is better than 50% probability that the deaths would have been avoided if Alaska had a safety belt use law.

The issue of safety belt use legislation is not individual rights, but public safety. You have the right to say what you feel, write what you think, and go where you will. A safety belt law isn't going to change any of that. You do not have the right to burden your neighbors by becoming a permanent ward of the state.

You state that an initiative would be the proper course for considering such a law. And that it might be suspected that the Safety Belt Coalition isn't willing to bet on the voters saying yes. The fact is that the voters vote for their legislators to discuss and eventually vote on issues, and it might be suspected that the person who wrote The Clarion editorial isn't willing to bet on the legislators saying yes. In the last two years, Hellenenthal & Associates, a statewide polling firm, has conducted statewide polls on the issues of safety belt use legislation. The result has been overwhelming support. Statewide 65% of Alaskans, according to the polls, support the proposed law. Half of the Legislature has already said yes to passing such a law, too. Hopefully, the other half, which is the state Senate, will pass it in early 1988.

People who find they cannot obey the proposed law can ignore to buckle up, and pay the fine. If their luck holds out, \$15 will be the only cost. If their luck doesn't hold out, their life could be at stake.

Frank Bickford
Juneau

(The writer is executive director of the Alaska Safety Belt Use Coalition - Editor.)

Alaska briefs

Hayes is seatbelt chair

Joe Hayes, former speaker of the state House, has been chosen as chairman and president of the the Alaska Safety Belt Use Coalition.

Former state Rep. Mike Miller was selected honorary statewide chairman. Other officers of the group include executive director Frank Bickford, vice president and treasurer Karen Lawfer and secretary Fawn Helms.

The group, which advocates a mandatory seat belt use law, has more than 7,000 members.



NEIGHBORS

JUNEAU EMPIRE

TUESDAY, JULY 14, 1987 11

Hayes named chairman safety belt Coalition: Joe Hayes, former speaker of the Alaska State House of Representatives, has been selected new statewide chairman and president of the Alaska Safety Belt Use Coalition. Mike Miller, former state representative from Juneau, was selected honorary statewide chairman.

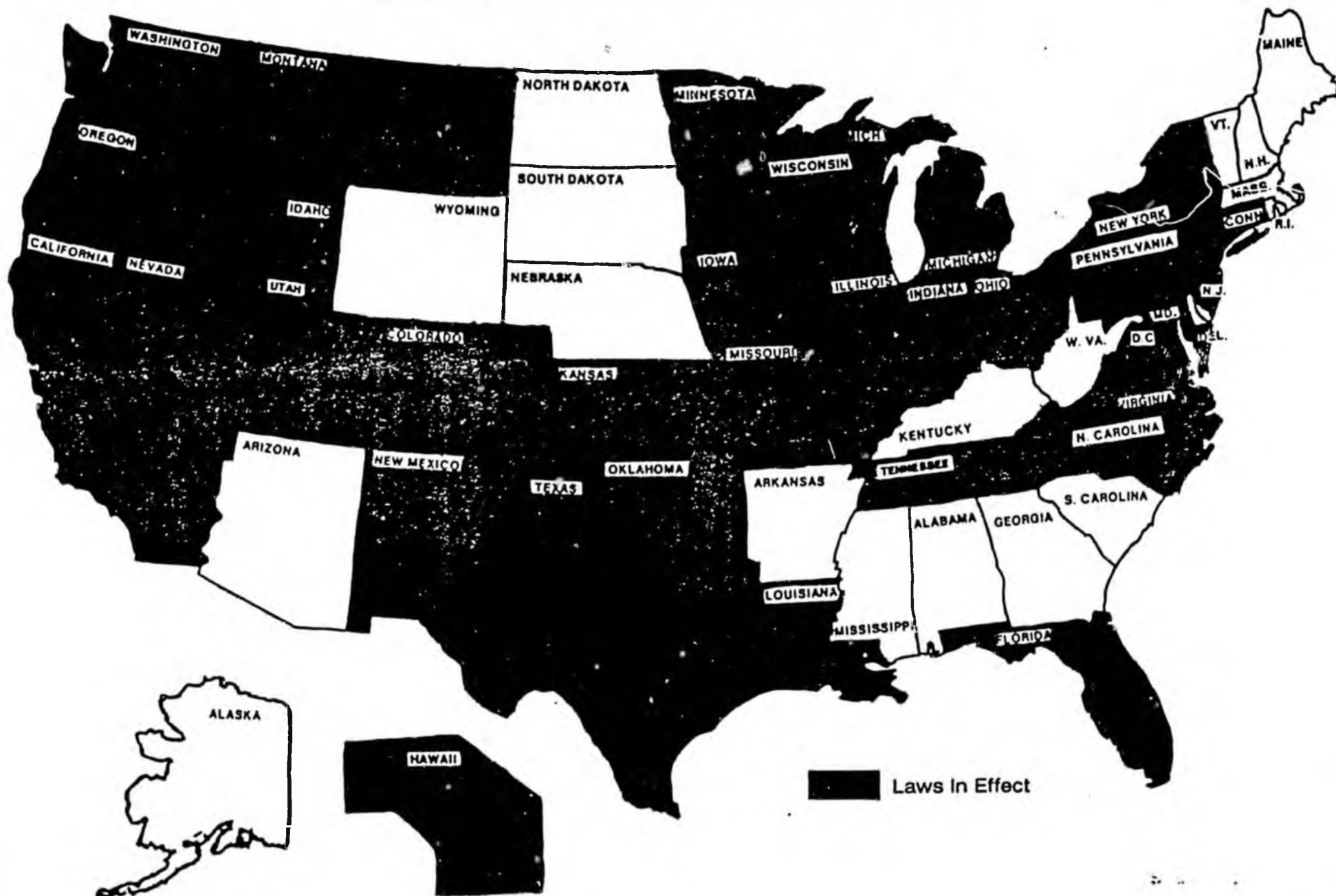
Other new officers are Karen Lawfer, vice president and treasurer, and Fawn Helms, secretary. Frank Bickford remains as executive director.

The coalition is comprised of over 7,000 people and 27 organizations representing a wide range of interests, including business and industry, health care delivery systems, education, fraternal, service and civic organizations. These people and groups believe that a safety belt use law in Alaska will save lives, decrease injuries and save the state millions of dollars each year.

The proposed law in Alaska, HB167, is a secondary offense. The emphasis is not on fines and penalties but on compliance. When there is a law on the books, there is higher compliance. People cannot be pulled over for not wearing a safety belt, as is the case in Hawaii where the law is a primary offense. Under the proposed law in Alaska, people can only be fined \$15 if they are stopped for other reasons and are found not to be wearing a safety belt.

The majority of the 28 states with safety belt use laws have it as a secondary offense. The laws are working, as the states have seen savings in lives of 10-26 percent, safety belt usage up over 55 percent and millions of dollars being saved to the state's coffers.

STATE SAFETY BELT USE LAWS



The average reduction of deaths in states with safety belt laws is 28%.

The most important thing that they do not know is that everyone's privacy is invaded when someone does not buckle-up. It's true. The high costs of rehabilitation, of hospital care, of insurance, and emergency medical services, to name a few, are passed along to WHO? YOU!

Example: A 27 year old woman who chose to not wear her safety belt, sustained a traumatic head injury and multiple physical injuries in August 1985. Her husband, also not wearing a safety belt, was killed in the accident. She has 2 small children and is without family support.

The State of Alaska provided approximately \$90,000 worth of inpatient medical care for this client.

Outpatient rehabilitation services over a 13 month period cost the State another \$51,710.

In addition to State funded medical care, this client and her children also receive services from other state funded agencies such as the Homemaker Program, Daycare programs, Aid to Families with Dependent Children, Food Stamps and Child Protective Services.

Her prognosis for returning to work is extremely poor.

She plans on remaining in the State of Alaska and will continue to require State funding.

Source: Alaska Treatment Center.

Being **FREE** also means having the chance to live and having a responsible government by the people that makes decisions in everyone's best interests.

Prepared by Alaska Safety Belt Use Coalition. If you would like to join our efforts to pass a safety belt law, please write or call:



Alaska Safety Belt Use Coalition
319 Seward St., Juneau, Alaska 99801
(907) 586-1400

Safety Belts are an INVASION of PRIVACY

when not
worn

. If you believe a safety belt law would invade your personal privacy, note the following:

★ **PRIVACY INVADED: DUI Laws**—have saved untold lives since enacted, but take away a driver's right to choose whether he can drink or not.

★ **PRIVACY INVADED: Driving on the WRONG SIDE OF THE ROAD**—keeps orderly flow of traffic and keeps the high death rate of head-on collisions down, but ... keeps a driver from choosing which side of the road to drive on.

★ **PRIVACY INVADED: Licensing and Testing of Drivers**—the right to choose whether one can drive his own vehicle has been taken away by licensing and testing procedures.

Sound a Little Ridiculous?

It is. Why? Because these laws have saved so many lives and people are generally obeying them.

Driving is a privilege, not a right. On private property, the state has no jurisdiction, but once you drive on public roads, your rights are limited by safety laws.

So What's Wrong with a Law that Requires You to Buckle-Up?

Why do so many people believe its AN INVASION OF PRIVACY?

They do not know that 90% of those 176 that died in 1985 and 1986 in Alaska were not using safety belts.

Editorial Support for a Mandatory* Safety Belt Use Law in Alaska as of Sept. 1987

Anchorage Times
Anchorage Daily News

Frontiersman
Valley Sun

Juneau Empire

* The proposed law in Alaska CSHB 167(JUD)AM is a secondary offense. The emphasis is not on fines and penalties; the emphasis is on compliance. When there is a law on the books, there is higher compliance. People cannot be pulled over for not wearing a safety belt—as is the case in Hawaii where the law is a primary offense. Under the proposed law in Alaska, people can only be fined \$15, if they are stopped for other reasons and are found not to be wearing a safety belt. CSHB 167(JUD)AM passed the State House in 1987 and will be considered by the State Senate in 1988.

5-0659P-
Ford
4/25/88

Original sponsors: Cotten, Ulmer,
Koponen, et al.

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 167 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

10 Sec. 28.05.095. USE OF SAFETY DEVICES. (a) Except as provided
11 in (b) of this section, a person may not be required to wear a safety
12 belt. Evidence that a person was not wearing a safety belt shall be
13 considered by the fact finder in determining an award of damages in a
14 civil action to recover damages for personal injury involving a motor
15 vehicle.

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

27 (c) Subsection (b) does not apply to

28 (1) passengers in an emergency vehicle;

29 (2) a vehicle operator acting in the course of employment

1 delivering mail or newspapers from inside the vehicle to roadside mail
2 or newspaper boxes;

3 (3) a child or class of children exempted by regulation
4 under AS 28.05.096;

5 (4) a child required to be restrained by safety belts under
6 (b) of this section if the motor vehicle is not equipped with safety
7 belts; or

8 (5) a motor vehicle being operated on a highway, vehicular
9 way, or a public parking place in the state that is not connected by a
10 land highway or vehicular way to

11 (A) the land-connected state highway system; or

12 (B) a highway or vehicular way with an average daily
13 traffic volume greater than 499.

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

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

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

23 (a) The commissioner of public safety may adopt regulations to
24 exempt a child or a class of children from the requirements of AS 28.-
25 05.095 if the commissioner determines that the use of a safety belt or
26 child safety device is impractical because of physical or medical
27 conditions of the child.

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

29 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation

1 of AS 28.05.095(d) [AS 28.05.095(a) OR (c)] is guilty of an infraction
2 and may be finned up to \$15 or the court may waive the fine if the
3 person convicted donates \$15 to EMS (Emergency Medical Services)
4 [ASSESSSED DEMERIT POINTS AS DETERMINED BY REGULATIONS OF THE DEPART-
5 MENT, NOTWITHSTANDING THE PROVISIONS OF AS 28.15.231(b)].

6 (b) A person convicted of a violation of AS 28.05.095(b) is
7 guilty of an infraction and may be assessed demerit points as deter-
8 mined by regulations of the department, notwithstanding the provisions
9 of AS 28.15.231(b). A person who violates AS 28.05.095(b) [AS 28.05.-
10 095(a)] by failing to provide a child safety device or safety belt
11 [SEATBELT] may provide a peace officer, including a village safety
12 officer, proof of purchase or acquisition, and installation, of an
13 approved child safety device or safety belt [SEATBELT]. If the proof
14 is provided within 30 days after the issuance of a citation for the
15 infraction, the court shall dismiss the citation and no points shall
16 be assessed under this subsection [(a) OF THIS SECTION] unless the
17 person has

18 (1) been convicted previously for violating that section by
19 failing to provide a child safety device or safety belt [SEATBELT];

20 (2) been cited for failure to provide a child safety device
21 or safety belt [SEATBELT] and has forfeited the bail required by the
22 citation; or

23 (3) provided the proof required by this subsection on a
24 prior occasion.
25
26
27
28
29



Official Business

Alaska State Legislature

House of Representatives

Al Adams

Chairman

Committee on Finance

WHILE IN SESSION
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3706

OUT OF SESSION
P.O. Box 333
Kotzebue, Alaska 99752
(907) 442-3320

1024 W. 6th
Anchorage, Alaska 99501
(907) 274-0615

TO: Senator Mitch Abood, Chair
Senate State Affairs

FROM: Representative Al Adams, Chair
House Finance Committee

DATE: April 22, 1988

RE: Repercussions of mandatory seat belt laws and HB 167

Attached is an article giving further evidence to my position against mandatory seat belt laws. I am requesting further information on the cases referred to and will furnish you with that information when it arrives.

In the meantime I would request that you hold HB 167 in the Senate State Affairs Committee until we have an adequate understanding of the consequences of passage of that legislation.

Your accommodation of my request is appreciated.

RE:

Law/Courts

Ironic seat belt litigation haunts automakers

By CHARLEY ROBERTS
ACCN News Service

WASHINGTON — For four years, the nation's automakers pushed seat belt-use laws in a vain attempt to avoid installing passive restraints such as airbags. Now they are being hit by a double whammy: airbags and an explosion in litigation related to increased seat belt use.

"There's a certain irony here," said Brian O'Neill, president of the Insurance Institute for Highway Safety in Washington.

"One of the manufacturers' concerns with airbags was litigation," he said. "Their preferred alternative was seat belts. But as the usage of seat belts has gone up with the passage of mandatory use laws in the states, the manufacturers are finding a litigation explosion involving seat belts."

The irony was driven home to the manufacturers by a \$3.3

million judgment by a federal court jury in Baltimore last December. The case involved a 13-year-old boy who was paralyzed from the waist down in a head-on collision in 1985.

During the collision, Jimmy Garrett's seat belt rode up over the pelvic bones and his upper body flexed over the belt across his abdomen, breaking his back and leaving him a paraplegic.

The jury held Ford liable for Garrett's injuries. It found that an elastic band used to keep the rear lap belts from slipping behind the seat tends to cause the belts to ride up. The jury also agreed with Garrett's lawyers that the automaker should have provided more protective shoulder-and-lap type seat belts for rear seat passengers even though federal safety regulations only require lap belts like the one the boy was wearing.

It was the first case brought

since the seat belt-use campaign began in 1984 and based on the shoulder-lap belt argument to result in a jury award, said Gerald Holtz, one of Garrett's attorneys. It exposed what Robert Dewey of the Washington-based Center for Auto Safety called the "tip of an iceberg" of pending and potential litigation over seat belt design defects.

Dewey said there are an estimated 300 seat belt-related lawsuits awaiting trial in the nation's courts. That number is likely to grow exponentially, Holtz said, judging by the number of calls he and the other lawyers involved in the case have received since the verdict.

It is generally conceded that the boom in seat belt litigation is directly attributable to the increase in seat belt usage caused by the passage of mandatory use laws in the states.

"As usage has increased,

there has also been a growing awareness of the limitations of the lap belt," said Dewey, and this awareness has been increased by the Garrett case.

The government has been reluctant to order the automakers to install shoulder-lap belts in the rear seat. The manufacturers, however, have acted more quickly.

Although Ford Motor Co. is still considering appealing the Garrett verdict, the automaker is installing shoulder-lap seat belts in the rear passenger seat of its 1988 Escorts and plans to make them standard equipment on all its new-car models by 1990.

General Motors Corp. also has begun installing rear seat shoulder-lap belts in some models this year and plans to extend the program to all models in 1989. And Chrysler plans to follow suit.

At least eight foreign car makers — Audi, BMW, Jaguar, Mercedes-Benz, Peugeot, Rolls-Royce, SAAB and Volkswagen — also are installing such belts. European countries require shoulder-lap belts, a requirement that became a key point in the Garrett case. Holtz said jurors were told Ford installed the belts in its European

Escorts but left them out of Escorts sold in this country.

Automakers also are beginning to phase in installation of passive restraints, such as automatic seat belts, which wrap around people when they get in a vehicle, or airbags, which fill with air upon impact to cushion someone thrown forward against the steering wheel or dashboard.

It was installation of these devices, mandated in a 1984 order by then-Transportation Secretary Elizabeth Dole, that the automakers hoped to avoid when they launched a \$16-million public-relations and lobbying campaign to promote seat belt usage.

Chuck Bosse, a spokesman for Traffic Safety Now Inc., the auto industry's lobbying arm on the seat belt issue, said manufacturers still believe seat belts are a more effective means of protection people in accidents, but they are resigned to complying with the passive-restraint provisions of the order.

Automakers still contend, however, that airbags are not as cost-effective as seat belts and are likely to lead to new litigation.

San Francisco firm eyes Portland market

Compiled from staff and wire reports.

Portland law firms trying to attract a high-tech clientele may want to establish their presence now, before other West Coast firms penetrate the local

Legal Briefs

developing a strong West Coast or regional practice rather than

ter testing positive for AIDS. The winning team will travel

RESOLUTIONS & LETTERS OF SUPPORT FOR A SAFETY BELT USE LAW (CSHB (Jud) am
As of April 24, 1988

AAA Alaska
Alaska Academy of Physicians Assistants
Alaska Avis Rent-A-Car
Alaska Branch/3 M
Alaska Chiefs of Police Association
Alaska Council on Prevention of Alcohol & Drug Abuse
Alaska Dental Society
Alaska Health Education Consortium
Alaska Nurses Association
Alaska Peace Officers Association
Alaska Review Board on Alcoholism
Alaska Medical Association
Alaska Medical Association Auxiliary
Alaska Treatment Center
Alpine Associates
American Society of Safety Engineers/AK Chapter
Anchorage Obstetrics & Gynecology
Anchorage Sand & Gravel
Anchorage Gymnastics
Arco Alaska
B & C Supply
Blue Cross of Washington and Alaska
Chevron USA
Chuck E. Cheese, Inc.
Consolidated Freightways
Denali Transportatoin dba Pacific Movers
Director's Federal Safety & Health Council/Southcentral Alaska
Eastwind, Inc.
FBI National Academy Associates
Firestone Stores
Goodyear Tire & Rubber, Co.
Harold's Rent-A-Truck
Health Association of Alaska
Highway Users Federation of Alaska
Humana Hospital/Executive Committee
Jackovich Industrial & Construction Supply
Joy E. Rosston-Zimmerman, R.N.C., A.N.P. (Humana Medical Plaza)
Juneau Retired Teachers Association
Junior Towne
Mammoth of Alaska
Mark J. Zimmerman, M.D., F.A.C.O.G. (Humana Medical Plaza)
Morrison-Knudsen, Co.
Mothers Against Drunk Driving/Juneau & Anchorage Chapters
North Star Council on Aging
Peratovich, Nottingham & Drage, Inc.
Pioneer Honda
Pool Arctic, Inc.
Sea-Land Service, Inc.
Sourdough Adventures
State Advisory Council on Emergency Medical Services
Wilsyk Alaska, Inc.

Editorial Support:

**Anchorage Daily News; Anchorage Times; Juneau Empire,
The Frontiersman and
Valley Sun**



Frank Blekford, Executive Director
Karen Lawler, Treasurer, Vice President

Alaska Safety Belt Use Coalition
319 Howard St., Juneau, Alaska 99801
(907) 846-1400

Mike Miller, Honorary Statewide Chairman
Fawn Helms, Secretary

Joe Hayes, Statewide Chairman

PUBLIC OPINION MESSAGE

DEAR: SENATOR ABOOD

NAME: PENNY LITTLE
TITLE: TRANSPORTATION COORDINATOR
ADDRESS: KPSD, 148 N. BINKLEY
CITY: SOLDOTNA ZIP: 99669
PHONE: 262-5846
BILL NO: HB 167
SUBJECT: MANDATORY SEAT BELTS
MESSAGE: OUR SCHOOL DISTRICT RECOMMENDS THAT THE FOLLOWING AMMENDMENT TO HB167
BE CONSIDERED ON PAGE 1, LINES 28 & 29; (C) SUBSECTIONS (A) & (B) DO NOT APPLY
TO (1) PASSENGERS IN _A SCHOOL BUS OR_ AN EMERGENCY VEHICLE.

POMID: 13164250
DATE: 02/25/88
TIME: 16:42:50
LIONAME: SOLDOTNA LIO

COPIES: SENATORS

FAMING
HENSLEY
JOSEPHSON
UEHLING

RECEIVED
FEB 29 1988

RECEIVED
JAN 28 1988

C
Seat belt bill
M

January 25, 1988

Senator Mitch Abood,

Please don't saddle us with any form of
mandatory seat belt law. (HB 167)

I realize that lobbyists can convince most
anyone that black is really white and that
results of polls and tables of statistics
mean anything they want them to say. They'll
try to convince you that the public demands
a seat belt law. Don't let them kid you.

The Big Auto Companies, with their millions
of dollars for lobbying, are pushing seat
belt laws so they won't have to install air
bags. We, the common people of Alaska, have
neither the money nor the time to support an
Anti Seat Belt Lobby. We're too busy trying
to make a living for our families. That
doesn't mean we're for such a law.

Massachusetts and Nebraska are two states
where the legislators represented the
lobbyists instead of the people and passed
seat belt laws. The people came alive, got
up referendums and threw the laws out.

Sincerely,
Clifford Purvis

Clifford Purvis
Box 586
Wrangell AK 99929

seat belts
Car 2



Matanuska-Susitna Borough School District

125 WEST EVERGREEN — P.O. BOX 1038 — PALMER, ALASKA 99645-1688 — (907) 745-4822

Bruce P. DeMond, Superintendent

[Handwritten signature]
Seat Belts

Feb. 24, 1988

MAR 2 1988

Senator Mitch Abood
Senate State Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Abood:

We have reviewed CSHB 167 (Judiciary) and find that two sections of this bill effect school districts and school bus transportation. We support Section 28.05.095(a)(2), page 1, lines 15-16 which mandates that a driver of a school bus wear a safety belt when operating the vehicle.

We are unable to support Section 28.05.095(c)(4) for the following reasons:


- 1) Neither Federal nor Alaska state regulations require the installation or use of safety belts for passengers in school buses of more than 10,000 GVW. A report from the U.S. Department of Transportation titled, Safety Belts in School Buses, June 1985, and a report from the National Transportation Safety Board titled, Crashworthiness of Large Post-Standard School Buses, March 1987, both conclude that safety belts were not warranted on school buses. In addition, the reports found that the "compartmentalization" concept incorporated into school bus design is providing adequate passenger protection.
- 2) School districts are not prohibited from installing safety belts on school buses of more than 10,000 GVW. However, reliable engineering data is available which indicates that installing safety belts on a large school bus presents substantial engineering and safety problems. School districts are not in a position to accept liability for harm to passengers caused by modification of the "compartmentalized" passenger area and the state should not mandate the use of belts on large school buses in the absence of federal standards governing the installation of safety belts.

Senator Abood letter
Feb. 24, 1988
Page 2

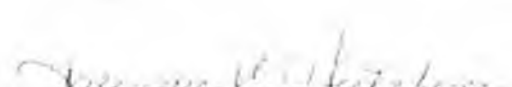
- 3) Buses of more than 10,000 GVW are sometimes used for the transportation of special students who require special devices for holding students in seats. These devices are intended to support students in the seat and not as a "passive restraint" in an accident situation. Use of these devices should not be mandated for regular students who do not require support to sit in the seat when they ride these buses. Safety restraints are required by federal regulation in buses of less than 10,000 GVW and standards are in place that govern installation of the safety restraints. This district would not be concerned if passengers in these small buses were required to wear the safety restraints provided.

This district supports the Alaska Department of Education's position paper on CSHB 167, dated February 10, 1988, and requests that school buses of more than 10,000 GVW be clearly exempted from this bill.

Sincerely yours,



Bruce P. DeMond
Superintendent



Sandra C. Hutchins
Pupil Transportation Coordinator

cc: Representative Ron Larson
Representative Curt Menard
Senator Jay Kerttula

Municipality of Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4674

Tom Fink
MAYOR

MUNICIPAL HEALTH & HUMAN SERVICES COMMISSION

March 9, 1988

MAR 11 1988

Senator Mitch Abood, Chair
Senate State Affairs Committee
Alaska State Legislature
POB V
Juneau, Alaska 99811

Dear Senator Abood:

The Municipal Health and Human Services Commission would like to lend their qualified support to the passage of CSHB167. Unintentional injuries, which include motor vehicle injuries, is ranked as the second highest physical health problem priority in the Anchorage Health and Human Services Plan (January 1988).

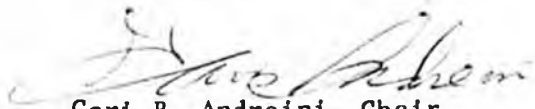
The effectiveness of seat belts in the prevention of premature mortality due to motor vehicle fatalities is well documented. In fact, national data estimates that a broad-based strategy in motor vehicle safety could reduce motor vehicle-related fatalities, injuries and related costs by 75%. This bill is an important first step, however, it is only a first step. Passage of CSHB 167 raises two issues which we would like to see addressed:

1. What fiscal or administrative provisions will encourage enforcement; and,
2. What can the state do to work with the federal government to encourage auto manufacturers to install air bags and other passive restraints. It is our understanding that the federal Department of Transportation has agreed that if two-thirds of the states pass seat belt laws that auto manufacturers can avoid the installation of safer passive restraints. Alaska may wish to postpone temporary legal measures and instead focus on educational measures in an effort to encourage the implementation of passive restraints which, again, provide safer alternatives and longer term benefits.

March 9, 1988
Senator Mitch Abood, Chair
Page 2

If you have any questions, please call me (562-2828) or our staff (343-4674).

Sincerely,



Gari B. Andreini, Chair
Municipal Health and Human Services Commission

cc: Representative Sam Cotten, Sponsor
Representative Johnny Ellis, Co-Sponsor
Representative Fran Ulmer, Co-Sponsor
Representative Niilo Koponen, Co-Sponsor
Representative Virginia Collins, Co-Sponsor
Representative Dave Donley, Co-Sponsor
Representative Max Gruenberg, Co-Sponsor
Representative Alyce Hanley, Co-Sponsor
Representative Kay Brown, Co-Sponsor
Representative Bill Hudson, Co-Sponsor
Representative Randy Phillips, Co-Sponsor
Representative Cliff Davidson, Co-Sponsor
Representative Jim Zawacki, Co-Sponsor
Senate State Affairs Committee
Myra Munson, Department of Health and Social Services, Commissioner,
State of Alaska
Anchorage Municipal Assembly
Tom Fink, Mayor, Municipality of Anchorage
Ron Garzini, Manager, Municipality of Anchorage
Robert A. (Bert) Hall, Director, Department of Health and Human Services,
Municipality of Anchorage

SJ7/dPD20

ALASKA DEPARTMENT OF EDUCATION
Position Paper - CSHB 167 (Jud) am
2/10/88

Sec. 28.05.095(a)(2), page 1, lines 15-16, mandates that the driver of a school bus wear a safety belt while operating the vehicle. The Department of Education strongly supports this requirement.

Sec. 28.05.095(c)(4), page 2, lines 6-9, mandates that passengers in a school bus equipped with safety belts wear the belts. The Department of Education opposes this requirement for the following reasons:

1. Safety belts are not required in large school buses - The U.S. Department of Transportation has concluded in a report titled Safety Belts in School Buses (June, 1985) that the current construction of school buses referred to as "compartmentalization" (high back, close together, well padded, energy absorbing seats) provides adequate occupant protection, and that a Federal requirement for safety belts in large school buses is not warranted.
2. There are no standards for installation of safety belts in large school buses - The Federal government has not issued standards for installation of safety belts in large school buses. Seat strength, floor strength, anchorage requirements, belt type and size, etc. have not been specified.
3. Some large school buses in Alaska are nevertheless partially equipped with safety belts - The fact that safety belts are not required in large school buses, and that no installation standards exist, does not preclude a local school district from installing belts if it so desires. Many belts serve only as restraining devices for special education students, and are not intended to protect students in the event of an accident.

The Department of Education does not maintain statistics on the age, size, and number of buses equipped with safety belts, nor how the belts were installed. It is conceivable that some belts have not been adequately installed, and that the following situations may exist:

- a. buses with belts on seats not well anchored to the floor and in some cases which have no padding to cover the metal seat frame.
- b. buses with seat construction inadequate to withstand the forces generated by safety belts which could collapse with pupils belted to them.
- c. buses with floor strength that has deteriorated due to severe weather conditions and varied maintenance making the floor less capable of withstanding the forces of the bus seat with belted passengers in a crash situation.
- d. buses with inoperable safety belts.
- e. buses with safety belts at some seating positions, and not at other seating positions.

4. Possibly more injuries to belted passengers in school buses - Crash testing conducted by the Canadian government and reported in the publication School Bus Safety Study issued January, 1985 by Transport Canada (same as U.S. Department of Transportation) indicates that the use of lap seat belts in various sizes of school buses may result in more severe head and neck injuries for a belted occupant than for an unbelted one in a severe frontal collision.
5. It is not in State's best interest to accept liability in event of an accident - Currently, the local school district would be liable in the event of an accident where a student was injured in a school bus in which the district required the student to be belted in. If the State mandated use of belts in school buses, the State would assume liability. This liability could be substantial considering that the Federal government neither mandates safety belts in large school buses, nor has issued installation standards of same.
6. Additional potential increased cost to state - Section 28.05.095(b) requires that the school bus driver properly secure each passenger before moving the bus. This would add extra time to school bus routes, resulting in increased contract costs for driver time and possibly extra buses due to length of routes. The State may also be expected to provide training of bus drivers on what constitutes "proper securement" of the various sizes of passengers they transport. Correct belt positioning is critical. Because a child's body is less developed than an adult, abdominal injuries could occur if the belt is worn across the stomach, rather than low on the pelvis.

RECOMMENDATION

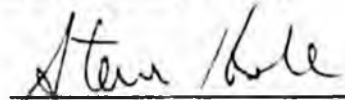
The Department of Education recommends that until such time that the Federal government mandates installation of safety belts on large school buses, the State of Alaska should leave the decision to the local school district as to whether or not they want belts on their buses, how the belts will be installed, and whether use of the belts will be mandatory.

We do not believe it is in the State's best interest to assume liability for injuries that may occur to students in school buses who are wearing safety belts that are not adequately installed.

We recommend that the following amendment to CSHB 167 be considered on page 1, lines 28 and 29:

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

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



William G. Demmert, Commissioner

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR
Arthur A. English
Commissioner

P.O. BOX N
JUNEAU, ALASKA 99811-1200
PHONE: 465-4322

RECEIVED
April 13, 1988
APR 14 1988

The Honorable Mitch Abood
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

RE: CSHB 167 "An Act relating to mandatory use
of safety devices in motor vehicles."

Dear Senator Abood:

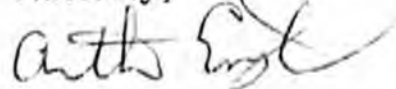
As you know, there were fewer traffic deaths in Alaska during 1987 than any other year since 1973. Total traffic fatalities decreased almost fifty percent in the last four years from 150 in 1983 to 76 in 1987. This decrease is due in part to the strong DWI legislation that you sponsored in 1983. But still, 76 fellow Alaskans lost their lives in automobile crashes last year. We must continue to combat this tragedy in every way that we can to reduce the loss of life, major injuries and economic loss that occurs on our high-ways each year.

A mandatory safety device use law such as CSHB 167 would help us win this battle. It is estimated that twenty to thirty Alaskan lives would be saved each year by the passage of this very important legislation. The current societal costs to Alaska of fatal crashes would also be reduced by approximately 6.5 million to 9.75 million dollars a year.

Currently thirty-one other States and the District of Columbia have passed mandatory use laws, and in every instance there has been a dramatic increase in automotive restraint use and a resultant decrease in fatal and serious injury crashes. A mandatory use law in Alaska has more potential for saving lives and reducing the number of serious injuries to our fellow Alaskans than any other action we could take at this time.

As the primary objective of this legislation is to save lives and reduce injuries that are the result of automobile crashes, I urge your support in moving this bill through your committee as soon as possible. Please feel free to call me should you require any additional information.

Sincerely,



Arthur English
Commissioner

BILL NO: CSHB 167 (Jud) am

DATE: 4/4/88

TITLE: "An act relating to mandatory use of safety devices"

CONTACT: Ellen Moore 465-4375

APR 14 1988

FILED

DEPARTMENT OF PUBLIC SAFETY

The intent of this legislation is to reduce deaths and serious injuries to occupants of motor vehicles by promoting the greater use of safety belts by the motoring public.

Thirty-one states have enacted bills requiring the use of safety belts. Jurisdictions that have had the longest experience with their laws have found that the greater the level of increase in seatbelt use, the greater the reduction in fatalities and serious injuries.

House Bill 167 has the potential to save as many as 35 lives in Alaska each year. This figure assumes a 70% compliance rate and a 50% effectiveness rate. Because the bill allows only "secondary" enforcement, it may be difficult to achieve this level of use; however, surveys conducted over the past two years by Hellenthal and Associates indicate that approximately 80% of the Alaskans surveyed will wear safety belts simply because such a law exists.

We recommend passage of HB 167 as written.


Arthur English
Commissioner

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to manda-
tory use of safety devices.
Sponsor: Cotten, Ulmer, et al.
Requestor: _____

Agency Affected: Health & Social Services
BRU: State Health Services
Components: FMS Certification and
Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of HB 167 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090 *KL*
Division: Public Health Date: 1-13-88

Approved by Commissioner: Moyra Ke Trueman *Moyra Ke Trueman* Date: 2-1-88
Agency: Department of Health & Social Services

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

SHORT SYNOPSIS

OF

SCS HB 167 (State Affairs)

* Section 1 repeals and reenacts AS 28.05.095, the current statute requiring the use of child safety devices, to provide for the following:

(a) would allow that in a civil action brought by a person hurt in an auto accident, the judge or jury must consider the fact that the person wasn't wearing a seat belt, and so it's partly the person's fault that he or she got hurt.

(b) is essentially the same as current statute requiring safety device use for children, except that the age is raised to 16, instead of 7, years old. Children under 4 would still have to be in carseats.

(c) provides exemptions from subsection (b) for people in emergency vehicles, or who are delivering papers or mail, or who are already exempted under other regulations, or who are in cars not originally equipped with seatbelts. An addition to this subsection is (5) which provides a rural exemption identical to that in AS 28.22.200, the mandatory auto liability insurance law.

(d) prohibits a person from removing the seat belts in a car, in order to qualify for an exemption under (c).

(e) restrains the state from stopping a car just to see if the kids are buckled up. This would make the provisions of (b) a secondary offense (currently, this is not a secondary offense).

* Section 2 is a technical change that allows the commissioner of public safety to adopt regulations exempting certain classes of children, due to physical or medical conditions, from the requirement to use a seat belt. Current language says "child safety device", this bill would add "seat belt".

* Section 3 provides in (a) that a person convicted of removing seat belts under (d) could have his or her fine waived if the \$15 was donated to EMS. This subsection also deletes current language assessing demerit points for this violation.

Under subsection (b), the section attaches an infraction penalty to a violation of AS 28.05.095(b), and assesses demerit points. The bill retains a provision that the court can dismiss the citation and not assess the demerit points, if proof of acquisition and installation of a child safety device is provided to a peace officer.

5-0659P ✓
Ford
4/25/88

Original sponsors: Cotten, Ulmer,
Koponen, et al.

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 167 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

10 Sec. 28.05.095. USE OF SAFETY DEVICES. (a) Except as provided
11 in (b) of this section, a person may not be required to wear a safety
12 belt. Evidence that a person was not wearing a safety belt shall be
13 considered by the fact finder in determining an award of damages in a
14 civil action to recover damages for personal injury involving a motor
15 vehicle.

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

27 (c) Subsection (b) does not apply to

28 (1) passengers in an emergency vehicle;

29 (2) a vehicle operator acting in the course of employment

1 delivering mail or newspapers from inside the vehicle to roadside mail
2 or newspaper boxes;

3 (3) a child or class of children exempted by regulation
4 under AS 28.05.096;

5 (4) a child required to be restrained by safety belts under
6 (b) of this section if the motor vehicle is not equipped with safety
7 belts; or

8 (5) a motor vehicle being operated on a highway, vehicular
9 way, or a public parking place in the state that is not connected by a
10 land highway or vehicular way to

11 (A) the land-connected state highway system; or

12 (B) a highway or vehicular way with an average daily
13 traffic volume greater than 499.

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

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

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

23 (a) The commissioner of public safety may adopt regulations to
24 exempt a child or a class of children from the requirements of AS 28.-
25 05.095 if the commissioner determines that the use of a safety belt or
26 child safety device is impractical because of physical or medical
27 conditions of the child.

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

29 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation

1 of AS 28.05.095(d) [AS 28.05.095(a) OR (c)] is guilty of an infraction
2 and may be fined up to \$15 or the court may waive the fine if the
3 person convicted donates \$15 to EMS (Emergency Medical Services)
4 [ASSESSED DEMERIT POINTS AS DETERMINED BY REGULATIONS OF THE DEPART-
5 MENT, NOTWITHSTANDING THE PROVISIONS OF AS 28.15.231(b)].

6 (b) A person convicted of a violation of AS 28.05.095(b) is
7 guilty of an infraction and may be assessed demerit points as deter-
8 mined by regulations of the department, notwithstanding the provisions
9 of AS 28.15.231(b). A person who violates AS 28.05.095(b) [AS 28.05.-
10 095(a)] by failing to provide a child safety device or safety belt
11 [SEATBELT] may provide a peace officer, including a village safety
12 officer, proof of purchase or acquisition, and installation, of an
13 approved child safety device or safety belt [SEATBELT]. If the proof
14 is provided within 30 days after the issuance of a citation for the
15 infraction, the court shall dismiss the citation and no points shall
16 be assessed under this subsection [(a) OF THIS SECTION] unless the
17 person has

18 (1) been convicted previously for violating that section by
19 failing to provide a child safety device or safety belt [SEATBELT];

20 (2) been cited for failure to provide a child safety device
21 or safety belt [SEATBELT] and has forfeited the bail required by the
22 citation; or

23 (3) provided the proof required by this subsection on a
24 prior occasion.

HB

167

- file 2 -

RECEIVED
FEB 29 1988

HB 167

Dear Senator Abood :

I am writing to you to express my opposition to House Bill 167, which mandates the use of seat belts by motor vehicle drivers and passengers within the State of Alaska.

I am opposed to this bill because it is highly offensive to the traditions of individual freedom and self-responsibility upon which the state of Alaska was built. These concepts hold that an individual should be free to choose a course of action as long as that choice does not adversely affect the rights of others.

The decision to wear a seat belt is such a choice. Whatever the arguments for or against seat belts, individuals affect only themselves when they make that choice. Therefore, they should be free to make their own decisions and to accept the personal consequences of those decisions. These ideas reflect the principles of limited government and individual responsibility which Alaskans cherish.

There is a far better option to protect Alaskans than a law which tries to protect them by taking away their freedom of choice. That option is education about the merits of seat belts and training on how to use them properly. A program of education adheres to the truest meaning of American democracy wherein government persuades its citizens rather than coercing them. Inform the people, then let them decide.

Furthermore, Alaska law already protects those who are too young to make an informed choice about wearing seat belts. Alaska's child restraint law is entirely sufficient to protect our children, so we do not need to change it. House Bill 167 would treat all Alaskans like children.

For these reasons, I urge you to disapprove House Bill 167 and protect our shrinking personal liberties from further erosion. Thank you for considering my letter, and please ... let those who ride decide!

Sincerely,

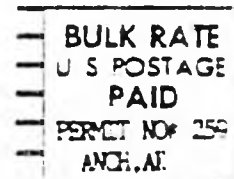
Stan L. Casper
Name

7500 DeBar Rd #326
Street

Anchorage Ak 99504
City, State, Zip Code

A.B.A.T.E. of ALASKA

ANCHORAGE CHAPTER
PO BOX 92213
ANCHORAGE AK 99509-2213



THIRD CLASS BULK RATE

Senator Mitch Abood
Alaska State Legislature
Post Office Box V (MS 3100)
Juneau, Alaska 99811

"Ride Safe - Ride Free"

RECEIVED
FEB 29 1988

Dear Senator _____:

I am writing to you to express my opposition to House Bill 167, wh ch mandates the use of seat belts by motor vehicle drivers and passengers within the State of Alaska.

I am opposed to this bill because it is highly offensive to the traditions of individual freedom and self responsibility upon which the State of Alaska was built. These concepts hold that an individual should be free to choose a course of action as long as that choice does not adversely affect the rights of others.

The decision to wear a seat belt is such a choice. Whatever the arguments for or against seat belts, individuals affect only themselves when they make that choice. Therefore, they should be free to make their own decisions and to accept the personal consequences of those decisions. These ideas reflect the principles of limited government and individual responsibility which Alaskans cherish.

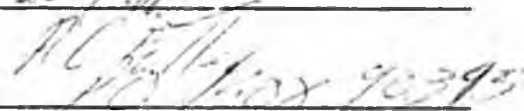
There is a far better option to protect Alaskans than a law which tries to protect them by taking away their freedom of choice. That option is education about the merits of seat belts and training on how to use them properly. A program of education adheres to the truest meaning of American democracy wherein government persuades its citizens rather than coercing them. Inform the people, then let them decide.

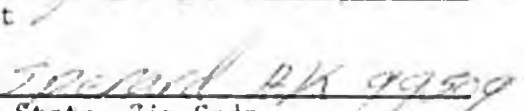
Furthermore, Alaska law already protects those who are too young to make an informed choice about wearing seat belts. Alaska's child restraint law is entirely sufficient to protect our children, so we do not need to change it. House Bill 167 would treat all Alaskans like children.

For these reasons, I urge you to disapprove House Bill 167 and protect our shrinking personal liberties from further erosion. Thank you for considering my letter, and please ... let those who ride decide!

Sincerely,

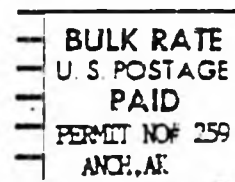

Name


Street


City, State, Zip Code

A.B.A.T.E. of ALASKA

ANCHORAGE CHAPTER
PO BOX 92213
ANCHORAGE AK 99509-2213



THIRD CLASS BULK RATE

Senator Mitch Abood
Alaska State Legislature
Post Office Box V (MS 3100)
Juneau, Alaska 99811

"Ride Safe - Ride Free"

L
MAY 1988
Dear Senator ABOOD:

✓
HB 167
20

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CARL E. CAIN

Name

18213 SANDTERRY DR

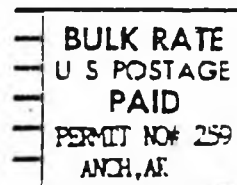
Street

EAGLE RIVER, ALASKA 99577

City, State, Zip Code

A.B.A.T.E. of ALASKA

ANCHORAGE CHAPTER
PO BOX 92213
ANCHORAGE AK 99509-2213



THIRD CLASS BULK RATE

Senator Mitch Abood
Alaska State Legislature
Post Office Box V (MS 3100)
Juneau, Alaska 99811

Dear Senator

Aboud

MAR 18 1988

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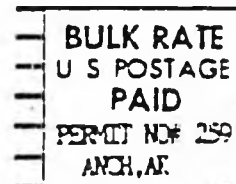
Kia Isham
Name)

380 Villa Circle
Street

Anchorage AK 99504
City, State, Zip Code

A.B.A.T.E. of ALASKA

ANCHORAGE CHAPTER
PO BOX 92213
ANCHORAGE AK 99509-2213



THIRD CLASS BULK RATE

Senator Mitch Abood
Alaska State Legislature
Post Office Box V (MS 3100)
Juneau, Alaska 99811



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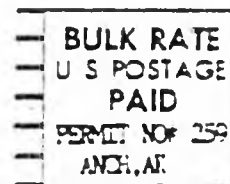
Carole Bevan
Name

8840 Weimer #3
Street

Anchorage 99502
City, State, Zip Code

A.B.A.T.E. of ALASKA

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PO BOX 92213
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Alaska State Legislature
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