

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11351 SENATE STATE AFFAIRS



SECTION III

# The Effect of a Primary Seat Belt Use Law

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

- *Higher use rates*
- *Economic savings*

### Higher Use Rates

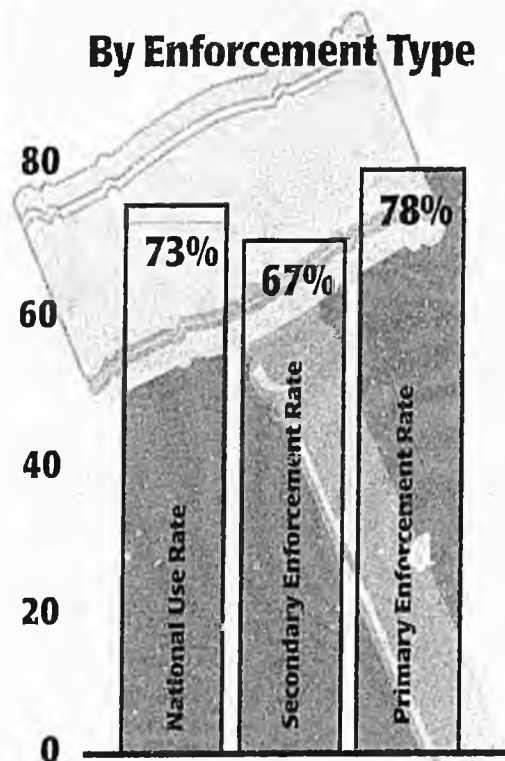
Seat belt use rates are higher in States with primary seat belt use laws. The average seat belt use rate in States with primary enforcement laws is 11 percentage points higher than in States without primary enforcement laws. With only a few exceptions, the States with primary seat belt use laws have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

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

### Economic Savings

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

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



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

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

Assuming a 14 Percentage Point Increase in Current Belt Use Rates

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

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



SECTION IV

# Successful Examples

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

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

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

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

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

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

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

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

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

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

## Successes in Other Countries

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



SECTION V

# Support for Seat Belt Use Laws

## *Public Opinion*

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

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

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

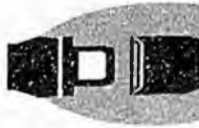
These positive attitudes toward seat belt use suggest a strong receptivity to primary seat belt use laws.

## *Law Enforcement*

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

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

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



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

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





SECTION VI

# Responding to Objections to a Primary Seat Belt Use Law

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

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

### *Differential Enforcement of Traffic Laws*

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

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

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

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

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



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

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

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

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

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

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

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

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

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

### *Support from Minority Leaders for Primary Enforcement*

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

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

In Maryland, Delegate Joanne Benson, an African

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

### *Motor Vehicle Deaths and Injuries Affect Minorities*

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

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



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

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

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

### *Encourage Law Enforcement to Speak Out*

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

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

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

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

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

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

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

### *Individual Rights*

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

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

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

### *Who Pays the Cost?*

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

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

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



SECTION VII

# Making a Case for Primary Seat Belt Use Laws<sup>†</sup>

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

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

## What Else Can Be Done?

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

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

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

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



## APPENDIX A

# The Facts: It's Time to Buckle Up

### *Saving Lives*

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

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

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

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

### *Protecting Kids*

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

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

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

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

### *Reaching Young People*

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



# The Facts: The Economic Cost of Non-Belt Use

## *The Cost to Society*

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

In 1996, NHTSA published a report<sup>30</sup> that examined these and other costs resulting from motor vehicle crashes during 1994. The purpose of the report was to place into perspective the tragic losses resulting from these crashes, and to provide information to government and private sector officials for use in structuring programs to combat these needless losses. The report found the following:



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



### *The Cost to Employers*

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

### *Seat Belt Use Can Reduce These Costs<sup>11</sup>*

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





## Point-Counterpoint

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

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

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

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

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

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

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

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



## Myths and Facts

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

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

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

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

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

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





# Child Passenger Safety: Closing the Gaps

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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





APPENDIX B

# Model Law

**Standard (Primary) Safety Belt Model Law**  
**National Committee on Uniform Traffic Laws and Ordinances**  
**June 16, 1997**  
**Reprinted with permission**

*Purpose:* The purpose of this legislation is to reduce injuries and fatalities on the streets, roads and highways by requiring all drivers and all passengers to wear safety belts meeting applicable federal motor vehicle safety standards while riding in motor vehicles and by authorizing primary enforcement.

*Section 1: Title*

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

*Section 2: Definitions*

As used in this act:

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

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

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

*Section 3: Application*

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

*Section 4: Operation of motor vehicles with safety belts.*

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

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

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

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

### *Section 5: Exemptions*

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

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

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

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

### *Section 6: Penalties*

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

#### *Drafters' Notes: On the Purpose:*

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

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

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

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



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

*On Section 4(b)*

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

*On Section 5*

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

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

*On Section 6:*

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

*For States with point systems:*

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

*For States that do not have point systems:*

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

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



## APPENDIX C

# Resources

### *Federal Resources*

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

### *Regional Administrators*

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

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

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

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

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

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

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

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

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

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

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

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

### *State Resources*

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



## State Highway Safety Representatives and Coordinators

### Alabama

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

### Alaska

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

### Arizona

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

### Arkansas

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

### California

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

### Colorado

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

### Connecticut

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

### Delaware

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

### District of Columbia

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

### Florida

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

### Georgia

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

### Hawaii

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

### Idaho

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

### Illinois

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

### Indiana

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

### Iowa

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**North Carolina**

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

**North Dakota**

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

**Ohio**

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

**Oklahoma**

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

**Oregon**

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

**Pennsylvania**

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

**Puerto Rico**

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

**Rhode Island**

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

**South Carolina**

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

**South Dakota**

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

**Tennessee**

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

**Texas**

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

**Utah**

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

**Vermont**

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

**Virginia**

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

**Washington**

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

**West Virginia**

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

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

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

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

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

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

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

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

*Private Sector*

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

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

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

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

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

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

*Other private sector organizations*

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

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

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

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

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

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

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

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

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



# References

- <sup>1</sup> Fatality Analysis Reporting System (FARS) data for 2000.
- <sup>2</sup> *Traffic Safety Facts 2000*, National Highway Traffic Safety Administration, DOT HS 809 329, Overview (based on 1998 data).
- <sup>3</sup> *Traffic Safety Facts 2000*, National Highway Traffic Safety Administration, DOT HS 809 327, Occupant Protection.
- <sup>4</sup> Observed Shoulder Belt Use from the June 2001 MiniNOPSIS, National Highway Traffic Safety Administration, DOT HS 809 319, August 2001.
- <sup>5</sup> Observed Shoulder Belt Use from the June 2001 MiniNOPSIS, National Highway Traffic Safety Administration, DOT HS 809 319, August 2001.
- <sup>6</sup> *Annals of Emergency Medicine*, December 2000; 36(6):589-596.
- <sup>7</sup> U.S. Department of Labor, Bureau of Labor Statistics, 1999 data.
- <sup>8</sup> 2000 Motor Vehicle Occupant Safety Survey, National Highway Traffic Safety Administration, published 2001.
- <sup>9</sup> *2001 Seat Belt Summit*, published by the Automotive Coalition for Traffic Safety, Inc., January 2001.
- <sup>10</sup> *Achieving a Credible Health and Safety Approach to Increasing Seat Belt Use Among African Americans*, Department of Occupational and Preventive Medicine, Meharry Medical College May 1999.
- <sup>11</sup> *Achieving Increased Seat Belt Use in Diverse Communities: The Law Enforcement Role*, Report of the 2001 National Summit, January, 2001.
- <sup>12</sup> "Resolution to Support the Blue Ribbon Panel to Increase Seat Belt Use Among African Americans," and "Resolution on Child Restraints," accessed from NOBLE web site [http://www.nobleatl.org/legislative\\_concerns.htm](http://www.nobleatl.org/legislative_concerns.htm) on October 18, 2001.
- <sup>13</sup> Information accessed from ASPIRA web site at [http://www.aspira.org/nhtsa\\_web.html](http://www.aspira.org/nhtsa_web.html) on October 22, 2001.
- <sup>14</sup> Ulmer, R.G., Preusser, C.W., Preusser, D.F. *Evaluation of Georgia's Safety Belt Law Change to Primary Enforcement*. National Highway Traffic Safety Administration, In progress.
- <sup>15</sup> Preusser, D.F., Preusser, C.W. *Evaluation of Louisiana's Safety Belt Law Change to Primary Enforcement*. National Highway Traffic Safety Administration, DOT HS 808 620, 1997.
- <sup>16</sup> Ulmer, R.G., Preusser, C.W., Preusser, D.F. *Evaluation of California's Safety Belt Law Change to Primary Enforcement*. National Highway Traffic Safety Administration, DOT HS 808 205, 1994.
- <sup>17</sup> *Evaluation of Maryland, Oklahoma, and the District of Columbia's Seat Belt Law Change to Primary Enforcement. Final Report*. National Highway Traffic Safety Administration, DOT HS 809 213, March 2001.
- <sup>18</sup> Information accessed from Air Bag & Seat Belt Safety Campaign web site at <http://www.nsc.org/partners/primary.htm> on October 19, 2001.
- <sup>19</sup> Information accessed from Air Bag & Seat Belt Safety Campaign web site at <http://www.nsc.org/partners/primary.htm> on October 19, 2001.
- <sup>20</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 1998.
- <sup>21</sup> National Occupant Protection Use Survey (NOPSIS) 2000 Controlled Intersection Study, July 2001, DOT HS 809 318.
- <sup>22</sup> Information accessed from Air Bag & Seat Belt Safety Campaign web site at <http://www.nsc.org/partners/primary.htm> on October 19, 2001.
- <sup>23</sup> *Blue Ribbon Panel to Increase Seat Belt Use Among African Americans: A Report to the Nation*, December 2000, p. 11, DOT HS 809 185.
- <sup>24</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 1998.
- <sup>25</sup> *Annals of Emergency Medicine*, December 2000; 36(6):589-596.
- <sup>26</sup> *Archives Of Pediatric & Adolescent Medicine*, 1998;152: 1209-1212.
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- <sup>30</sup> *The Economic Costs of Motor Vehicle Crashes, 1994*; published on the NHTSA web site at <http://www.nhtsa.dot.gov>.
- <sup>31</sup> *The Presidential Initiative for Increasing Seat Belt Use Nationwide*, National Highway Traffic Safety Administration, DOT HS 808 576, April 1997; statistics given reflect data from 1996.



# 2003 HIGHWAY FATALITIES

**TOTAL     94**

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

*Alaska Highway Safety Office*

Anchorage

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

Seatbelt Used 5  
 Seatbelt Not Used 4  
 Seatbelt Use Unknown 7  
 Motorcycle 4  
 Bicyclist 1  
 Pedestrian 4

2<sup>nd</sup> person in auto

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

Seatbelt Used - 5  
 " Not Used - 4

27

Anchorage

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

Seatbelt Used 5  
 Seatbelt Not Used 4  
 Seatbelt Use Unknown 7  
  
 Motorcycle 4  
 Bicyclist 1  
 Pedestrian 4

2<sup>nd</sup> person in Auto

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

27

Matsu

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

Seatbelt Used 8  
 Seatbelt Not Used 5  
 Seatbelt Use Unknown 0

Motorcycle 6  
 Bicyclist 0  
 Pedestrian 0

*2nd person*

21

Kenai Peninsula

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

Seatbelt Used 7  
 Seatbelt Not Used 6  
 Seatbelt Use Unknown 5

Motorcycle 0

Bicyclist 0

Pedestrian 0

2ND PERSON

2ND & 3RD PERSON

2ND & 3RD PERSON

Fairbanks North Star Borough

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

*2nd person*

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

9

Southeast Fairbanks

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

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

3

Denali

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

2

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

Juneau

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

2

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

Sitka

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

Seatbelt Used 0  
Seatbelt Not Used 0  
Seatbelt Use Unknown 0

Motorcycle 0  
Bicyclist 0  
Pedestrian 1

Wrangell-Petersburg

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

*2nd person*

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

2

Bethel

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

Seatbelt Used 0  
Seatbelt Not Used 0  
Seatbelt Use Unknown 0

Motorcycle 0  
Bicyclist 0  
Pedestrian 1

Dillingham

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

2-

Seatbelt Used 0  
Seatbelt Not Used 1  
Seatbelt Use Unknown 0

Motorcycle 0  
Bicyclist 0  
Pedestrian 0

Non-Borough

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

*2<sup>ND</sup> PERSON*

Seatbelt Used 1  
 Seatbelt Not Used 2  
 Seatbelt Use Unknown 0

Motorcycle 0  
 Bicyclist 0  
 Pedestrian 0

3

Yukon-Koyukuk

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

2

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

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

**February 26, 2004**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## Alaska Civil Liberties Union

*An Affiliate of the American Civil Liberties Union*

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

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

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

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

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

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

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

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

**PROPOSED AMENDMENT TO SB 316**

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

**EXPLANATION OF AMENDMENT**

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

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

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

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

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

Sincerely,



Jennifer Rudinger  
Executive Director



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

February 11, 2004  
(Senate)

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

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

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

However, the bill pending before the Senate authorizes: \$252 billion on highways and highway safety, which is \$50 billion above the President's request, and \$56 billion on mass transit, which is \$12 billion above the President's request. In total the Senate bill authorizes \$318 billion in spending on highways, highway safety, and mass transit over the next six years, a full \$62 billion above the President's request for the same period.

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

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

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

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

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

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

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

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

New Regulatory Mandates. The Administration strongly opposes the numerous

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

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

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

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

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

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

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

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

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

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

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

#### Budget Estimates and Enforcement

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

\* \* \* \* \*



Alaska State Legislature

Senator Con Bunde  
Senate District P

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

## Sponsor Statement

### Senate Bill 316

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

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

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

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

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

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

**Senate Bill:** 316

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

**Sponsor:** Senator Con Bunde

**Current Version:** SB 316

**Contact Information:** Lauren Wickersham 907-465-4843

**Summary:**

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

**Benefits:**

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

**Background**

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

# Legislative Research Services


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

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

January 16, 2004

## Memorandum

TO: Senator Con Bunde

FROM: Cherie Nienhuis   
Legislative Analyst

RE: Primary Safety Belt Laws

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

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

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

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

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

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

**November 5, 2003**

Prepared by:

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

For:

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

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

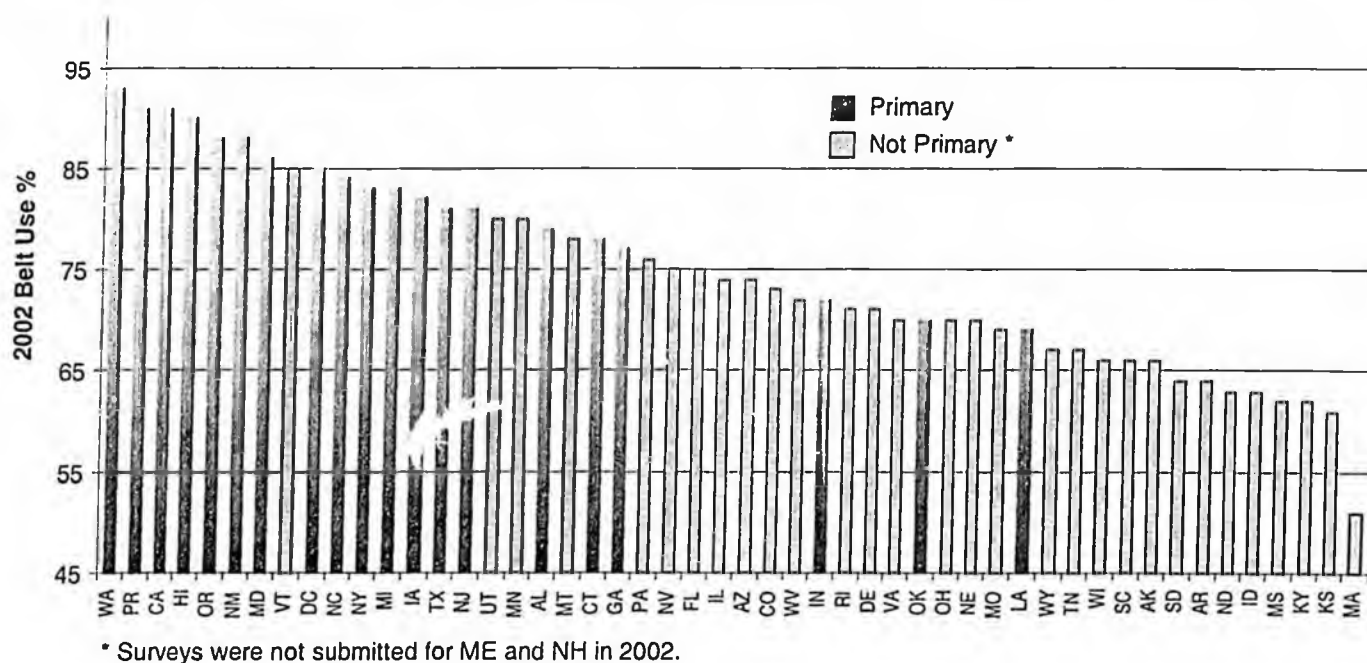


FIGURE 1. Belt use rates in 2002 (Data Source: NHTSA).

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

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

\* Excludes DC & IN

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

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

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

\* Excludes DC & IN

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

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

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

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

	States without Primary Laws	If Primary Law	Lives Lost
Unbelted Dead	79950	55505	
Belted Dead	42209	54477	
Est. Belted Survivors	40807	52984	
<b>Total Dead</b>	<b>122159</b>	<b>109982</b>	<b>12177</b>

## CONCLUSION

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

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

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



*ATTACHMENT B*

**SAFETY BELT USE LAWS**

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

Standard Who is covered? In Maximum fine Damages reduced for

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

<sup>1</sup>These states assess points for violations.

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

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

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

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

**[Child Restraint, Belt Laws main page](#)**

- Tables:**  
**[Child Restraint Laws](#)**  
**[Children Not Covered by Safety Belt or Child Restraint Laws](#)**



## NSC News Center

[NSC Home](#) > [NSC News Center](#) > [News Release](#)For Immediate Release, November 17, 2003  
Contact: John Chambers at 202.338.8700 or 202.285.0448 (cell)**AS NATIONWIDE SEAT BELT CRACKDOWN BEGINS, NEW DATA UNDERSCORES DEADLY IMPACT OF FAILURE TO ADOPT PRIMARY SEAT BELT LAWS***More than 12,000 Deaths Since 1995 Because States Have Failed To Enact Primary Enforcement Seat Belt Laws Proven To Increase Belt Use*

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

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

**Also see:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For additional information about the National Safety Council, visit [www.nsc.org](http://www.nsc.org).

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

in transportation and in homes and communities.

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**National Safety Council**

*A Membership Organization Dedicated to Protecting Life and Promoting Health*

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**November 25, 2003**

## Alaska Seat Belt Cost Analysis EXECUTIVE SUMMARY

### OBJECTIVES

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

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

### RESULTS

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

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

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

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

### CONCLUSIONS AND RECOMMENDATIONS

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

# **Alaska Seat Belt Cost Analysis**

**Alaska Injury  
Prevention Center**



**Ron Perkins, MPH**

**Anchorage, Alaska  
September 2003**

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

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## Introduction

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

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

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

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

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

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

## Methods

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

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

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

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

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

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

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

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

hospitalized for motor vehicle-related injuries was calculated to be \$43,409.<sup>7</sup> Several studies have estimated the loss of productivity or quality of life costs for various types of injury, but for this analysis only the quantifiable hospital related costs were examined.

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

## Results

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

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

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

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

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

**Table 2**

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

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

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

**Table 3**

**Hospital Days  
1996 – 1999 Average**

	<b>Avg. Hospital Days per Year</b>	<b>%</b>	<b>% by "Known" Use</b>
No Restraint	1402	52%	58%
Restraint Used	1009	38%	42%
Use Unknown	261	10%	

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

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

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

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

### **Costs**

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

The Alaska Department of Health and Social Services, Section of Community Health and EMS recently completed a research project that analyzed injuries among Medicaid-eligible youth ages 0-20.<sup>9</sup> The report compiled hospital costs for various types of injuries for the years 1995-1999.

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

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

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

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

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

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

**Table 4**

**Alaska MV Hospital Costs**

1996 - 1999

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

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

**Table 5**

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

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

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

***Conclusions***

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

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

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

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

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

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

### **References**

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- <sup>1</sup> NHTSA, Traffic Safety Facts, 2002.
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  - <sup>3</sup> USDOT&PF, News Release, July 17, 2003.
  - <sup>4</sup> Ibid.
  - <sup>5</sup> CDC, WISQARS, Injury Mortality Report, All Injury Deaths and Rates per 100,000 by State.
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  - <sup>7</sup> Rice DP, MacKenzie EJ, et. al., Cost of Injury in the United States, Report to Congress 1989.
  - <sup>8</sup> Alaska Traffic Accidents. Annual reports from the Alaska Department of Transportation and Public Facilities.
  - <sup>9</sup> Report on Injury Prevention Activities of Community Health and EMS Targeting Medicaid-Eligible Youth, by Martha Moore and the State Injury Prevention staff, 2003.
  - <sup>10</sup> NHTSA, Status of Occupant Protection in America, Buckle Up America Report, Nov. 2001.

February 11, 2004

TO: Lauren Wickersham – Senator Bunde's Office

FROM: Don Smith – Alaska Highway Safety Office

### PRIMARY SAFETY SEAT BELT LAW

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

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

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

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

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

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

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

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

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

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

Safety belts save lives!

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

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

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

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

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

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

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

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

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

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

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

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



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Bill Graves  
President and Chief Executive Officer

February 13, 2004

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

DEPARTMENT OF PUBLIC SAFETY  
JUNEAU, ALASKA

FEB 23 2004

COMMISSIONER'S OFFICE

Dear Governor Murkowski,

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

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

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

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