



House
Legislative
Analysis
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SEAT BELTS: PRIM. ENFORCEMENT

House Bill 5000 as introduced
First Analysis (2-6-96)

Sponsor: Rep. Frank M. Fitzgerald
Committee: Transportation

THE APPARENT PROBLEM:

In 1985, at a time when various studies performed in Michigan indicated as few as 15 percent of Michigan drivers regularly used seat belts despite their widespread availability, this state became one of the few states in the country to adopt a mandatory seat belt law. Since its adoption, the rate of seat belt use has steadily climbed, and today stands at about 67 percent. According to Michigan State Police crash data, this ten-year increase in the rate of seat belt use has saved over 600 lives, prevented some 14,000 serious injuries, and reduced health care-related and insurance costs by approximately \$630 million. The evidence both from Michigan's experience with a mandatory seat belt law and that of 47 other states with similar laws clearly shows that as the rate of compliance rises—which has occurred in every case after such laws were adopted—the number of fatalities and serious injuries declines significantly. However, although Michigan's seat belt law has worked to prompt drivers to buckle up more often, some people believe the compliance rate is still unacceptably low. The problem, some say, is that although people are required by law to wear a seat belt, the law makes enforcement of the law a secondary action—meaning a driver may not be stopped and ticketed solely for a seat belt violation. Recently, both California and Louisiana switched from secondary enforcement to primary enforcement of their seat belt laws, and this change raised the compliance rate by 13 percentage points in California (to 83 percent) and almost ten percentage points in Louisiana (to 59 percent). Some people believe the time has come for Michigan to begin enforcing its mandatory seat belt law as a primary action.

THE CONTENT OF THE BILL:

The Michigan Vehicle Code requires the driver and all front-seat passengers in a motor vehicle to wear properly fastened seat belts, and generally holds a driver responsible for ensuring that all children between the ages of four and 15 in the vehicle are properly secured in a seat belt. These provisions may only be enforced

by police officers as a secondary action. The bill would amend the act to delete language pertaining to secondary enforcement of seat belt provisions and, thus, a seat belt violation could be enforced as a primary action.

MCL 257.710e

FISCAL IMPLICATIONS:

The House Fiscal Agency says the bill would not affect state budget expenditures, but would result in an increase in local government revenues. (Revenue from fines levied for such citations are distributed to local libraries.) The amount of local government revenue increases would depend on the number of seat belt citations issued under the bill. (1-29-96)

ARGUMENTS:

For:

Evidence that seat belts and similar safety devices save lives, reduce traumatic (often permanent) injuries, and dramatically lower health-care and insurance costs borne by society is indisputable. In the ten years since Michigan adopted a mandatory seat belt law, state police estimate hundreds of lives have been spared, thousands fewer serious injuries have occurred, and hundreds of millions of dollars in health-care savings were realized. Prior to the current seat belt law's adoption, approximately 15 percent of all drivers and vehicle passengers wore their seat belts; today, the compliance rate stands at 67 percent. As the compliance rate rises the number of deaths and serious injuries, and their resulting toll on society, falls. However, the rate appears to have peaked in recent years, suggesting that more must be done to encourage seat belt use. Even today, as two-thirds of the motoring public consistently wears seat belts, crash data show unbelted drivers or passengers make up 60 percent of all vehicle fatalities. This indicates a significant number of people traveling the state's roadways still consider it a reasonably safe option to not buckle up. Unfortunately, Michigan's seat

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belt law is currently the only traffic law enforced as a secondary action, which no doubt contributes to the cavalier attitude some people hold regarding the efficacy of wearing seat belts. Prohibiting police officers from enforcing this law as a primary action sends a subtle message to drivers and their passengers that seat belts may be ignored, that choosing not to wear them carries few adverse consequences. Perhaps worse, when adults either consciously choose not to wear them or consider their use of little importance, younger passengers who may not know any better are encouraged to do the same. State police believe switching to primary enforcement of the safety belt law could boost the rate of compliance to 80 percent or more, which could mean between 50 and 100 fewer fatalities per year, thousands fewer debilitating injuries, and a dramatic reduction in health-care and insurance costs.

For:

Persons involved in traffic accidents and those who are close to them suffer incalculably, but the harm does not stop there. Everyone pays—in the form of higher taxes to pay for government services to victims and their families, hospital and medical costs, insurance premiums, lost wages and economic opportunities, and increased business expenses. Traffic accidents increase the cost of such government services as Medicaid, Aid to Dependent Children, the Crippled Children's Fund, special education, and care in state institutions. Data show that as the rate of seat belt usage increases, the number of deaths and serious injuries falls. The bill not only would reduce a significant amount of human suffering; it also could lower costs in both the public and private sectors.

Response:

People probably would not benefit either as taxpayers or as insurance consumers under the bill.

Against:

Moving from secondary to primary enforcement of the seat belt law is another government violation of the civil rights of its citizens. It will give police more leeway to stop and harass motorists who "look different," perhaps due to their age, race, or some other easily identifiable trait. When the state's mandatory seat belt law was first enacted in 1985, those who had misgivings about the measure reportedly agreed to support its passage only if it was to be enforced as a secondary action. The bill essentially would nullify this compromise. It represents the worst fears of those who argued against the original measure on the grounds it would lead to greater government intrusion into the personal lives of its citizens. At a time when many feel government has grown too large and fear its laws have become too pervasive in their lives, the bill sends the wrong message. By entirely removing from the individual the

right to choose his or her own level of risk, his or her own style of living, the state is essentially substituting its own judgment for that of the individual. This is an illegitimate interference with the right of self-determination traditionally guaranteed to individuals in American society.

Response:

Driving is not a right but a privilege. When one drives, one implicitly consents to the regulation of one's driving by state and local governments, for the sake of public safety. It could be argued that every traffic law is intrusive, and yet most people have no qualms with abiding by these rules. Speed limits, traffic lights, and other "rules of the road" all exist not only to protect individual motorists, but also to promote general order on the roads; without them, chaos would result. Establishing primary enforcement of the seat belt law would clarify to all who travel the state's roadways that this particular provision of the traffic code will be enforced the same as all other traffic laws, and that violating it could result in a traffic citation. Merely the threat of a citation would work to compel people to take more seriously the requirement to wear seat belts. Conversely, fears the bill would encourage abuse of police powers are groundless; in fact, police officers already may stop motorists for any number of reasons, but little evidence exists to suggest they abuse this power.

Against:

Seat belt use can produce injuries and cause deaths in accidents, primarily by trapping people in their vehicles. Moreover, there are many reasons for the high number of deaths and injuries on the state's roads; it is unfair to single out the lack of seat belt use. Today's cars are less safe than those of the recent past, for example, because they generally are smaller and made of lighter weight materials.

Response:

Most traffic safety experts argue that the use of seat belts is almost never detrimental to the occupants of automobiles. The idea, for example, that people are better off if "thrown free" of their vehicles in accidents is given very little credence by those in the traffic safety and medical fields. One advantage of wearing a seat belt is that in a collision a person stands a much better chance of staying conscious, of not hitting the dashboard or windshield. Generally, persons who are conscious are less likely to be trapped in a disabled vehicle.

POSITIONS:

The Michigan Safety Belt Coalition, which supports the bill, lists among its members numerous organizations in the fields of automobile, manufacturing, government,

health and medicine, insurance, and traffic safety. Among these members are the Departments of Education, Public Health, State, State Police, and Transportation. Private organizations include the American Automobile Manufacturers Association, the Michigan State Medical Society, the Michigan Sheriffs' Association, the Michigan Nurses Association, the Michigan Health and Hospital Association, General Motors Company, AAA Michigan, the Office of Highway Safety Planning, the Brain Injury Association of Michigan, the Traffic Safety Association of Michigan, the Michigan State Chamber of Commerce, and the Michigan Association of Chiefs of Police, among others. (2-5-96)

The Michigan Municipal League supports the bill. (2-5-96)

The U.S. Department of Transportation supports the bill. (2-5-96)

The City Manager of West Branch supports the bill. (2-2-96)

The Michigan Farm Bureau opposes the bill. (2-5-96)

ABATE (A Brotherhood Against Totalitarian Enactments) opposes the bill. (2-2-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.