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SEAT BELTS: PRIMARY ENFORCEMENT

House Bill 4280 with committee amendments First Analysis (4-22-97)

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 71 percent. According to Michigan State Police crash data, this 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. Currently, twelve states have enacted standard enforcement of seat belt laws. 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 are properly secured in a seat belt.

These provisions may only be enforced by police officers as a secondary action (that is, only when a driver has been detained for a suspected violation of some other traffic law). 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.

In addition, the bill would delete the reference to "front seat" passengers with regard to the requirement to wear seat belts, thus making the requirement apply to all passengers in a vehicle. However, the bill specifies that if there were more passengers than seat belts available in the vehicle, and all seat belts were being used, the driver would not be considered to be in violation of the seat belt requirements. (The current provision requiring children less than one year old to be properly secured in a child safety seat, and children more than one year old but less than four years old to be in a child safety seat if seated in the front seat of the vehicle, would not be changed.)

Further, the bill would require the Department of State to contract with an independent organization to conduct a three-year study to determine the impact of primary enforcement of seat belts on the incidents of police harassment of drivers. A report would have to be submitted to the legislature no later than June 30, 2001.

MCL 257.710d and 257.710e

BACKGROUND INFORMATION:

House Bill 4280 is nearly identical to legislation introduced in the 1995-96 legislative session (House Bill 5000).

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would result in an approximately \$34 million in savings to the state, primarily associated with reduced Medicaid costs.

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The agency cites a National Highway Traffic Safety Administration report that estimates that standard enforcement of Michigan's safety belt law would result in \$170 million in medical and insurance cost savings. Of this amount, about \$34 million (20 percent) would accrue to the state due to decreased Medicaid costs. The provision requiring the Department of State to contract with an independent organization to conduct a study of the impact of primary enforcement on police harassment would result in indeterminate costs to the department.

Data from California, which changed from secondary enforcement to primary enforcement of seat belt law several years ago, reveals a decrease in the number of citations written. Therefore, a reduction in citations for non-compliance with the seat belt law could result in a decrease in local revenues. However, it is estimated that any revenue reduction would be minimal. (4-18-97)

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. Using seat belts cuts in half the risk of death for drivers as a result of a crash, and cuts the risk of sustaining a head injury by two-thirds. In the 12 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 about 70 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, though 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 seatbelt 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 and not requiring adults riding in the back seat to wear seat belts 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. Nationwide, about 40 percent of parents do not make their children buckle up, and about 80 percent do not properly buckle their children in seat belts or child safety seats. State police believe switching to primary enforcement of the safety belt law and requiring back seat passengers to be buckled up could boost the rate of compliance to 80 percent or more, which could mean approximately 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. According to the Office of Highway Safety Planning within the Department of State Police, studies have shown "that a significant percentage of unbelted crash victims are Medicaid recipients" and that the "economic costs of these crashes then become direct costs to taxpayers." Data show that as the rate of seat belt usage increases, the number of deaths and serious injuries falls. The Department of Community Health estimates that the bill would save the state \$170 million in medical and insurance costs by saving approximately 100 lives and preventing 3,000 serious injuries. Further, since it is reported that police officers spend about six to eight hours at a crash involving serious injury or death, as compared to one or two hours on a crash without injuries, injury crashes cost four to eight times as many tax dollars to investigate. Therefore, 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. In fact, neither California nor Louisiana, which changed seat belt enforcement from secondary to primary within the past few years, have reported problems with increased police harassment of motorists or received complaints from motorists regarding police harassment in regards to seat belt use. Further, the bill would require the Department of State to hire an independent agency to conduct a three-year study on the bill's impact regarding incidents of police harassment. Should the study document any problems with the bill's provisions, the issue can then be addressed in a timely manner.

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 90 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, Community Health, State, and State Police. Private organizations include the American Automobile Manufacturers Association, National Urban League, the Michigan State Medical Society, the Michigan Sheriffs' Association, the Michigan Nurses Association, the Michigan Health and Hospital Association, the Detroit Urban League, General Motors, the Ford Corporation, the Chrysler Corporation, AAA Michigan, the Office of Highway Safety Planning, the Brain Injury Association of Michigan, the Traffic Safety Association of Michigan, the Michigan Chamber of Commerce, and the Michigan Association of Chiefs of Police, among many others. (4-21-97)

The U.S. Department of Transportation supports the bill. (4-21-97)

The Department of Community Health supports the bill. (4-21-97)

The Department of State Police supports the bill. (4-21-97)

ABATE of Michigan (A Brotherhood Against Totalitarian Enactments) opposes the bill. (4-19-97)

Michigan Taxpayers United opposes the bill. (4-22-97)

Analyst: S. Stutzky

■ 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.