



SEAT BELTS: PRIMARY OFFENSE

House Bill 4511 as introduced
First Analysis (3-30-93)

Sponsor: Rep. Dianne Byrum
Committee: Transportation

THE APPARENT PROBLEM:

In 1985, Michigan joined 41 other states in adopting a law that requires the driver of a motor vehicle and all front-seat passengers in it, with certain exceptions, to wear a safety belt. Michigan law also requires a driver to ensure that all children under age four are secured in special child restraint seats and that all children between four and 16 years old are wearing safety belts, with exceptions. However, with the exception of the child restraint law, all of Michigan's current seat belt requirements may only be enforced by law enforcement officials as secondary actions, which means a driver may not be pulled over specifically because an officer sees that a seat belt is not being worn. Before mandatory-use laws existed, the state's seat belt usage rate was about 18 percent; now, this rate stands at about 50 percent. Statistics show that when seat belts are worn the number of deaths and injuries that result from traffic accidents are significantly reduced. In saving lives and reducing injuries seat belt laws have, by some estimates, also reduced the "societal" costs to Michigan (for such things as medical care, lost productivity, emergency response and administrative costs) by hundreds of millions of dollars. Although fewer people have died in traffic accidents since Michigan adopted mandatory seat belt laws, 1,185 people still lost their lives while traveling in motor vehicles in 1990, while many more suffered mild to severe injuries. Tragically, as is often the case, 70 percent of those killed in traffic accidents in 1990 were not wearing seat belts. Some people feel Michigan could encourage more people to wear seat belts by allowing police officers to enforce safety-belt laws as a primary action.

THE CONTENT OF THE BILL:

The Michigan Vehicle Code requires the driver of a motor vehicle and each front-seat passenger to wear a fastened seat belt, and requires the driver to secure children between the ages of four and 16 in seat belts. The act also provides various exceptions to these requirements. A violation of any of any of

these requirements may only be enforced by law enforcement officials as a secondary action (meaning after a driver has already been detained for a suspected violation of another part of the act). The bill would delete from the act language specifying that a violation of the seat belt provisions may only be enforced as a secondary action and, thus, would allow police officials to stop a driver specifically for a suspected violation of any of these requirements. Also, the bill specifies that a driver would be responsible for securing a passenger under the age of 16 in a properly adjusted and fastened seat belt.

The bill would take effect January 1, 1994.

MCL 257.710e

FISCAL IMPLICATIONS:

According to information provided by the Department of State Police, the Department of Public Health says that more than \$750 million is spent in Michigan each year on medical costs resulting from the failure to wear safety belts. (This figure does not include lost revenue to the state resulting from lost wages, lower sales tax receipts and other "societal" costs.) While most of this money could be considered costs to the private sector, according to a report to Congress in 1989 entitled "Cost of Injury in the United States," approximately 27.8 percent--in Michigan's case, about \$208.5 million--of this medical care cost comes directly from federal, state and local government. The portion of this amount that is paid by state and local governments, however, could not be determined. State and local governments would save additional money due to fewer claims that would be made for traffic accident injuries and deaths on state highways under the bill. (3-23-93)

The University of Michigan Transportation Research Institute projects that total savings to

House Bill 4511 (3-30-93)

society under the bill would be about \$88 million annually, based on 35 fewer deaths and 250 fewer serious injuries that would result from primary enforcement of seat belt laws. (3-24-93)

ARGUMENTS:

For:

Evidence clearly shows that using a seat belt puts the driver or passengers of a motor vehicle at less risk of death or injury if a traffic accident should occur. Though the rate of seat belt usage in Michigan now stands at about 50 percent, the number of people who wear safety belts could be significantly increased if primary enforcement of the law were permitted. In eight other states where primary enforcement is allowed, the compliance rate is 10-15 percentage points higher than in Michigan. Obviously, encouraging more people to wear seat belts will save lives, reduce injuries and lower the costs borne by the state and its local governments, and by the private sector, resulting from traffic accidents. Allowing only secondary enforcement of seat belt laws is akin to preventing a police officer from stopping a driver who broke one of a myriad of other driving laws that are meant to save lives and reduce the number of injuries on state roadways. In fact, the requirement to wear a seat belt is currently the only traffic law in Michigan that is not enforced as a primary action. The University of Michigan Transportation Research Institute estimates that the bill would increase seat belt usage from 50 percent to at least 60 percent; assuming an increase of this much, the bill which would result in 35 fewer deaths and 250 fewer serious injuries, at a societal cost savings of about \$88 million annually.

Against:

Making seat belt usage something that could be enforced as a primary action might encourage law enforcement officials to use this as a means of harassing drivers who otherwise drive safely and obey traffic laws, and would violate a person's individual right to decide whether a seat belt should be worn. It could be argued that many things that people do may be dangerous for them or may have a fiscal impact to society in general--for instance, smoking, eating poorly, playing football--and yet people are left free to choose how they should live their own lives as long as they don't intentionally hurt others. Not wearing a seat belt does not specifically endanger anyone else and, thus, should be something a person may choose to do if he or she wishes.

Response:

Driving is not a right but a privilege. When a one drives one implicitly agrees to have one's driving regulated by state and local governments, for the sake of public safety. It could be said that all traffic laws are intrusive, yet most people have no quarrel with providing for the enforcement of these laws to maintain order and safety on the state's roadways. Besides, while a driver may feel no great need to wear a seat belt his or her failure to ensure that others in the vehicle, especially children, are belted in could endanger their lives if an accident should occur.

Against:

The bill should be amended to update this section of the act as it applies to the use of so-called "passive" restraint devices that are standard on most vehicles manufactured today. Without specifically addressing this issue, police officers may be within their authority (whether or not the bill is enacted) to issue a ticket to someone who is "wearing" an electronically-activated shoulder belt but not a lap belt.

Against:

The bill should include a provision specifying that, when a driver was stopped by a police officer because an adult front-seat passenger in the vehicle was not wearing a seat belt, the violator, not the driver, would have to be issued the citation.

Response:

According to the Department of State Police, current departmental policy provides for state and local police officers to issue a citation to an adult passenger who is found not wearing a seat belt in the front seat of a vehicle.

POSITIONS:

The Department of State Police supports the bill. (3-24-93)

The Department of State supports the bill. (3-24-93)

The Michigan Coalition for Safety Belt Use, consisting of over 100 public, private and non-profit groups interested in increasing seat belt use, supports the bill. (3-25-93)

The Traffic Safety Association of Michigan supports the bill. (3-25-93)

The Michigan Association of Chiefs of Police supports the bill. (3-25-93)

AAA Michigan supports the bill. (3-26-93)

The American Automobile Manufacturers Association supports the bill. (3-26-93)

Ford Motor Company supports the bill. (3-25-93)

General Motors Corporation supports the bill. (3-24-93)