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## ENFORCE CHILD SEAT BELT LAWS

House Bill 4511 as passed by the House  
Second Analysis (8-18-93)

Sponsor: Rep. Dianne Byrum  
House 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 age four or older but younger than 16 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. Seventy percent of those killed in traffic accidents in 1990 were not wearing seat belts; tragically, many of these fatalities involved children under the age of 16. In an effort to improve safety for children transported over the state's roadways, some people feel police officers should be allowed to enforce as a primary offense a violation of the current provision requiring drivers to ensure that all vehicle passengers ages four to 15 years old are securely fastened in a seat belt.

### *THE CONTENT OF THE BILL:*

The Michigan Vehicle Code currently 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 at least four years old but younger than 16 in seat belts; children younger than four must be secured in special child-restraint seats. The act provides various exceptions to these requirements. A violation of any of these laws, except for the child-restraint law, may be enforced by law enforcement officials only as a secondary action. (Because the child-restraint provision is found in another section of the act, police officials apparently may enforce a violation of this requirement as a primary offense.)

Under the bill, the provision requiring a driver to ensure that all passengers age four or older but younger than 16 are secured in a properly adjusted and fastened seat belt could be enforced by law enforcement officials as a primary offense. Primary enforcement of this requirement, however, could occur only when an officer observed that a violation was "clearly visible."

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,

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about \$208.5 million--of this medical care cost comes directly from federal, state and local government. It is not known, however, what percentage of these costs are borne by state and local governments.

The Department of State Police says the bill, by encouraging young people to wear seat belts more often, would reduce costs to both state and local governments by lowering the number of claims that otherwise would be made for traffic accident injuries and deaths on state roadways; the amount of such cost savings, however, could not be determined. (8-13-93)

### **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, this rate could be increased considerably among young people if the requirement for a driver to ensure that all children under 16 years old riding in a vehicle are belted in could be enforced as a primary offense. In other states where primary enforcement is allowed, the compliance rate is higher than it currently is in Michigan. Obviously, encouraging drivers to ensure that all young passengers in a vehicle are wearing seat belts--by threatening them with the real possibility of being ticketed for not doing so--will save lives, reduce injuries and lower the costs borne by the state and its local governments, and by the private sector, that result from traffic accidents. Allowing only secondary enforcement of seat belt laws designed to protect children 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.

#### ***Response:***

As introduced, the bill would make a violation of any seat belt law enforceable as a primary offense. It seems inconsistent and sends the wrong message to youngsters if laws requiring them to wear seat belts are enforced more stringently than laws requiring adults to wear them. The fact is, in those states where primary enforcement seat belt laws that apply to everyone in a vehicle have been adopted, seat belt compliance rates are 10 to 15 percentage points higher than Michigan's. Of course, higher compliance rates translate into fewer

deaths and injuries, and lower costs to society. The University of Michigan Transportation Research Institute estimates that the bill as introduced would increase seat belt usage from 50 percent to at least 60 percent, which would mean about 35 fewer deaths and 250 fewer serious injuries annually--and could result in societal cost savings in Michigan of about \$88 million yearly. These figures all would be substantially reduced under the version of the bill passed by the House.

#### ***Against:***

Under the bill, a driver could be pulled over simply because a police officer made the mistake of thinking that one of the passengers who was not wearing a belt was less than 16, when the passenger in fact was older than this. Conversely, the bill could lead to inconsistent enforcement as officers might be inclined to not stop vehicles with older, teenage children who were not wearing seat belts and appeared to be at least 16 years old, but were not. To prevent such situations and make consistent enforcement possible, the bill should be amended back to its original form to allow an officer to stop a vehicle in which any seat belt law clearly was being violated.

#### ***Against:***

Making seat belt usage among children under age 16 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 hurt others. Not wearing a seat belt does not specifically endanger anyone else and, thus, should be an issue that is decided among families themselves, and specifically by a younger person who may or may not feel compelled to wear one.

#### ***Response:***

While a driver may feel no great need to wear a seat belt, his or her failure to ensure that children are belted in could endanger their lives if an accident should occur. Also, it is unlikely that police officials would abuse the increased authority they would have under the bill as it specifies that before a driver could be stopped because someone

under 16 was not wearing a seat belt, the violation would have to be "clearly visible."

***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.

***POSITIONS:***

The Department of State Police supports the bill. (8-13-93)

The Department of State supports the bill. (8-13-93)

The Michigan Association of Chiefs of Police supports the bill. (8-16-93)

The following support the original version of the bill, which would make violation of any seat belt law enforceable as a primary offense:

- \* The Traffic Safety Association of Michigan (8-13-93)
- \* AAA Michigan (8-13-93)
- \* The American Automobile Manufacturers Association (8-12-93)
- \* General Motors Corporation (8-16-93)
- \* Ford Motor Company (8-16-93)

The American Civil Liberties Union opposes the bill. (8-17-93)