

# Traffic Safety Facts

## Laws

April 2004

## Strengthening Safety Belt Use Laws-Increase Belt Use, Decrease Crash Fatalities and Injuries

Traffic crashes are a leading cause of death in the United States. Increasing safety belt use has tremendous potential for saving lives, preventing injuries, and reducing the economic costs associated with crashes. Strong occupant protection laws coupled with high visibility enforcement campaigns (such as "Click It or Ticket") are currently the most effective ways to increase safety belt use.

### Make All Belt Use Laws Subject to Primary Enforcement

#### Definitions:

**Primary (standard) 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** means that a citation for not wearing a safety belt can only be written after the officer stops the vehicle or cites the offender for another infraction.

Passing primary safety belt use laws in every State is essential to saving thousands of lives and preventing tens of thousands of injuries each year. Enactment of primary laws sends a message to motorists that safety belt use is an important safety issue that the State takes seriously. Increases in belt use have been made without a primary safety belt use law in place, but the greatest gains are possible when a primary law works in conjunction with high visibility enforcement campaigns such as "Click It or Ticket."

A primary safety belt use law is much more readily enforced than a secondary law. In attitude surveys, officers consistently preferred primary laws and report that a secondary enforcement law is a major deterrent to issuing citations. Abundant research has shown that an upgrade to primary enforcement will significantly raise belt use rates when combined with education and adjudication.

### Successful Examples

Primary safety belt laws have a proven track record of increasing a

State's safety belt use rate. In 2003, the average safety belt use rate in States with primary enforcement laws was 8 percentage points higher than in States without primary enforcement laws. (Safety belt use was 83 percent in primary law States versus 75 percent in States without primary enforcement.)

When States upgrade their laws from secondary to primary, significant increases in safety belt use are often observed. For example, when three States—New Jersey, Alabama, and Michigan—upgraded their secondary safety belt laws to primary laws in 2000:

- The safety belt use rate in New Jersey rose from 63 percent in 1999 to 74 percent in 2000.
- The safety belt use rate in Alabama rose from 58 percent in 1999 to 71 percent in 2000.
- The safety belt use rate in Michigan rose from 70 percent in 1999 to 84 percent in 2000.

### Public Support is Strong for Primary Safety belt Use Laws

In 2000, NHTSA conducted a survey among a national sample of approximately 6,000 people ages 16 and older to determine attitudes, knowledge, and reported behavior regarding occupant protection.

- Overall, 61 percent of the population surveyed believed that

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law enforcement officers should be allowed to stop a vehicle if they observe only a safety 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) followed by non-Hispanics (60 percent), African Americans (68 percent) and whites (59 percent).

As of January 1, 2004, 20 States, the District of Columbia and Puerto Rico have primary laws in effect.<sup>1</sup> Twenty-nine States have secondary enforcement laws and one State (New Hampshire) has no adult safety belt use law.

### **Addressing Concerns About the Enforcement of Primary Laws:**

Motor vehicle crashes are the leading cause of death for African Americans from birth through 14 years of age and are the second leading cause of death for African Americans between 15 and 24 years of age. 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. However, a major concern about the enforcement of primary occupant protection laws expressed by opponents of this legislation is differential enforcement—the targeting of people from different racial and ethnic groups by police enforcing traffic laws.

The National Organization of Black Law Enforcement Executives (NOBLE), the Nation's leading organization of minority law enforcement officials,

examined this issue extensively during 2000 and 2001. As a result, NOBLE has voiced support for law enforcement training, educational outreach to the African American community, and passage of primary safety belt laws to increase safety belt use among African Americans.

The Congressional Black Caucus has stated that increasing safety belt use among African Americans is an “urgent national health priority.” The National Black Caucus of State Legislators and the National Conference of Black Mayors have also expressed support for strong laws that increase safety belt use and include safeguards for uniform enforcement.

ASPIRA, a national organization dedicated to the education and leadership development of Hispanic youth, also has expressed its support for primary safety belt legislation. ASPIRA passed a resolution supporting primary enforcement of State safety belt and child safety seat use laws and efforts to promote compliance with such laws.

Recognizing the contribution that primary laws make to safety belt use among all groups, many minority group legislators have supported primary law upgrades in their States. Some of these legislators have testified publicly that following their upgrades to primary safety belt laws, they have seen neither backlash in their communities nor evidence of differential enforcement of the new laws.

### **Protect All Vehicle Occupants in All Passenger Vehicles**

Safety belt laws vary from State to State with some laws covering only front seat occupants, some providing for only secondary safety belt enforcement, and some exempting pickup trucks and vans. Some laws apply only to State residents. 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.

Having a strong, well-written law is crucial to saving lives. In 2002, NHTSA partnered with the National Committee on Uniform Traffic Laws and Ordinances, the National Transportation Safety Board, the Air Bag & Safety belt Safety Campaign, the Automotive Coalition for Traffic Safety, Inc., and the Governors Highway Safety Association to create a “model law” that can assist States in drafting the language needed to eliminate the gaps that often occur in occupant protection legislation. This law recommends that every occupant (both children and adults) of a motor vehicle in motion. The model law is available at <http://www.ncutlo.org>.

### **Fines Play a Part in Increasing Belt Use**

There is evidence to support the belief that higher fines are associated with higher safety belt use rates. In its report on the 2001 Safety belt Summit, the Automotive Coalition for Traffic Safety (ACTS) reported that the level of fines had an impact on safety belt usage. ACTS examined State-conducted belt use surveys from 1998 and 1999 and observed that belt use averaged six points higher in States having fines of \$30 and above than in States with fines less than \$30.

### **Occupant Protection Grant Programs**

The Transportation Equity Act for the 21st Century (TEA-21) was signed into law on June 9, 1998. In addition to providing funding for improving America's roadways, bridges, and transit systems, this comprehensive legislation provides funding for increasing safety belt and child safety seat use.

**Section 157 (incentive)** created a program to encourage States to increase

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their safety belt use rates in recognition that increased belt use decreases crash injuries and the financial burden these preventable injuries place on Federal programs. Funds are allocated to eligible States based on savings in medical costs to the Federal government due to improved safety belt use.

**Section 157 (innovative)** provides that Section 157 funds not allocated to incentive grants in a fiscal year be allocated to the States to carry out innovative projects that promote increased safety belt use.

**Section 402** provides funds to States and communities to reduce traffic

crashes and resulting deaths, injuries, and property damage. A State may use these grant funds only for highway safety purposes; at least 40 percent of these funds must be used to address local traffic safety problems, including restraint use.

**Local Community Grants:** Congress has provided funding for initiatives for FY 2003 to increase safety belt use. NHTSA plans to build upon initiatives laid out during FY 2001 and FY 2002, when funding was made available to local communities to increase safety belt use among high-risk groups, such as minorities, younger drivers, and part-time safety belt users. During FY

2003, NHTSA will broaden outreach programs directed toward these high-risk groups through intensified media strategies and high visibility safety belt enforcement demonstration grants using the Click It or Ticket model. Such programs will be implemented in States and communities with a high proportion of high-risk populations demonstrating low safety belt use rates.

**Section 405** is an incentive grant program to increase the use of safety belts and child safety seats by encouraging States to adopt more effective laws, stronger penalties, and highly visible enforcement and education programs.

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The reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Impaired Driving and Occupant Protection Office, ATTN: NTS-110, 400 Seventh Street, S.W., Washington, DC 20590; 202-366-4913; or NHTSA's web site at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)

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