

HB06-1125 Bill Analysis
For the Health District of Northern Larimer County Board of Directors
February 15, 2006

Bill Title: Concerning the Enforcement of an offense involving failure to use an appropriate motor vehicle restraining device.

Summary: Makes it a primary offense for a driver to operate a motor vehicle without the driver, certain children and all front-seat passengers to wear a fastened seat belt.

Sponsors: House – Coleman, Larsen, Riesberg, et al/ Senate – Groff, Williams, Dyer and Grossman

Committees: House Committee on Transportation and Energy

History: Introduced on in the House on 1/16/06
Passed out of Committee unamended on 2/1/06
Laid over for 2nd reading on 2/8/06

Date of Analysis: 2/8/06

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Priority: 1

Background

This bill is a refile of a bill from last session, HB 05-1138. (Last year the Health District Board voted to strongly support HB05-1138.) The bill makes it a primary offense for a driver to operate a vehicle if the driver, certain children, and the front-seat passengers are not wearing seat belts. Colorado is currently a secondary enforcement state meaning that officers can only cite drivers for non-use of seat belts if they are stopping the vehicle for a vehicle or traffic offense. The bill contains a provision specifically noting that it is the intent of the general assembly that the statutory prohibition against profiling should be strictly observed by each law enforcement officer who stops a driver for an alleged restraining device violation.

Why is this issue important?

The Board of Directors for the Health District of Northern Larimer County has identified non-use of seat restraints as a legislative priority. 93% of local residents usually wear seatbelts. 77.7% always use seatbelts. The Healthy People 2010 goal is 92%. The nonuse of seatbelt restraints ranked 13th among 28 of the risk factors contributing to the health burden in the Health District's recent prioritization process. The enforcement of a primary seatbelt law ranked at the top of the most effective interventions that could result in reducing the health burden in our community. Underscoring this position, nationally, 52% of fatal car crashes during 2003 involved occupants that were not restrained by safety belts. In Colorado, approximately 59% of fatal accidents in 2003 involved non-restraint. Currently, 28 states, including Colorado, have secondary adult seatbelt laws.¹ Conversely, 19 states have primary laws, which mandate that vehicles can be stopped solely for nonuse of proper restraints. In 2003, the National Center for Statistics and Analysis found that states with secondary seat belt laws experienced an average reduction in noncompliance of almost 9%. In states with primary laws, the average reduction was almost 11%, indicating that primary laws are more effective in reducing nonuse of seatbelts. Notably, states with the highest safety belt use rates all have primary enforcement laws.²

¹ Secondary laws authorize law enforcement officers to issue citations for nonuse only when a driver is found not to be wearing his or her seatbelt when pulled over for another offense National Highway Transportation Safety Administration, <http://www.nhtsa.dot.gov/>

²National Center for Statistics and Analysis, <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncaa/>

The Safety Incentive Grant program established under the Transportation Equity Act for the 21st Century (TEA 21) offers incentive grants to encourage States to increase seat belt use. Currently, 31 states, including Colorado, report the use of TEA 21 grant funds for the high-visibility enforcement campaigns to encourage increased seat belt use. Beginning in April 2000, \$1.8M in Section 157 funds under TEA 21 were expended to implement the “Click It or Ticket” program, which is a program that provides for waves of high visibility enforcement, coinciding with public information campaigns and education activities. Ten waves were conducted in Colorado between June 2000 and May 2002; during this period of time, statewide seatbelt use increased from 65.1% to 73.2%, and warning and citations also increased by 28%.³

New Information:

According to a report released this month by the Colorado Department of Transportation, Larimer County led the state in traffic fatalities among 16 to 20 year olds in 2005.⁴ Further, the county had the lowest seat-belt use among people in that age group, according to a Colorado State University study that was included in the report.⁵ The study found that over 60% of 16 to 20 year olds don’t wear seat belts when they were in the car. According to the fiscal note, Colorado would be eligible for a one-time grant of \$12.6 million if it enacts and enforces a primary safety belt use law.

Reasons to support bill:

- It has been demonstrated nationally and in Colorado that primary enforcement results in increased safety belt use, which in turn results in less disability and death from auto accidents.
- If this bill increases seat belt usage, Colorado may be eligible for additional NHTSA incentive grants.
- Non-use of seat belts by youth is a problem in Larimer County and this bill could increase seat belt use among this population.

Groups that support:

Fort Collins law enforcement organizations including the traffic unit.

Reasons to oppose bill:

- Seatbelt use is considered by some to be an individual choice and outside the purview of government control.
- Fines and fees are considered by some to be hidden taxes.
- Local law enforcement agencies may experience an increase in workload as a result of issuing citations to motorists that would otherwise not be stopped for a traffic infraction.
- Although the bill contains a measure declaring the legislative intent to strictly observe prohibitions on profiling in the enforcement of this law, there remains the possibility that law enforcement could use this law as a tool to engage in profiling.

About this Analysis

This analysis was prepared by Health District of Northern Larimer County staff to assist the Health District Board of Directors in determining whether to take an official stand on various health-related issues. Analyses are based on bills or issues at the time of their consideration by the Board and are accurate to the best of staff knowledge. It is suggested that people check to see that a bill has not changed during the course of a legislative session by visiting the Colorado General Assembly web page at www.state.co.us/gov_dir/stateleg.html. To see whether the Health District Board of Directors took a position on this or other policy issues, please visit www.healthdistrict.org/policy.

About the Health District

³ Governors Highway Safety Association, “Survey of the States: TEA-21 Programs”

⁴ The Coloradoan, “Larimer Logs Grim Driving Statistics”, January 26,2006

⁵ Ibid.

The Health District is a special district of the northern two-thirds of Larimer County, Colorado, supported by local property tax dollars and governed by a publicly elected five-member board. The Health District provides medical, mental health, dental, preventive and health planning services to the communities it serves.

For more information about this analysis or the Health District, please contact Carrie Cortiglio at ccortiglio@healthdistrict.org or (970) 224-5209.