

Analysis of Legislation to Change to Primary Enforcement of Seat Belt Law
For the Health District of Northern Larimer County Board of Directors

Issue Summary: Legislation would allow police officers to stop a car if the driver and front-seat passengers were not wearing seatbelts. This is known as primary enforcement.

Sponsors: Senate – Peter Groff
House – Joe Rice

History: Bill is expected to be filed by Senator Groff in late January or early February

Date of Analysis: January 16, 2007

Prepared by: Carrie Cortiglio

Bill Summary

The bill is expected to be a refile of a bill from last session, HB 06-1125. (Last year the Health District Board voted to strongly support HB06-1125.) The bill will make it a primary offense for a driver to operate a vehicle if the driver and/or front-seat passengers are not wearing seat belts. This means a police officer may stop a vehicle solely because the driver or front-seat passenger is not wearing a seat belt. The bill will likely contain 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.

Current Law

Under current Colorado law, both drivers and front-seat passengers are required to wear a seat belt. 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 another vehicle or traffic offense. A vehicle can be stopped if an officer observes a child unrestrained even if no other infractions are observed.

Background

With the exception of New Hampshire, every state in the nation has laws requiring seat belt usage by the front seat occupants of a vehicle. In 2006, 24 states, including Colorado, had secondary adult seatbelt laws.¹ Twenty-five states and the District of Columbia had primary enforcement laws. It is widely accepted that seat belts provide important protection to vehicle occupants in the event of a car crash. Use of seat belts by front seat passengers reduces the risk of fatal injury in car crashes by 45%.² Use of seat belts by front seat passengers reduces the risk of moderate-to-severe injury by 50%.³ The National Highway Transportation Safety Administration (NHTSA) estimates that nationwide in 2005 seat belts saved 15,632 lives and if

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/>

² National Highway Traffic Safety Administration, www.nhtsa.gov

³ Ibid.

all motor vehicle occupants over age 4 had worn seat belts an additional 5,328 lives could have been saved.⁴

There is strong support in the traffic safety field for primary enforcement laws. NHTSA advocates for the adoption of primary enforcement laws and has conducted research on the effect of primary enforcement laws on the rates of seat belt usage. NHTSA's data shows that the average rate of seat belt use was 10% higher in states with primary enforcement laws versus states with secondary enforcement.⁵

The Task Force on Community Preventive Services strongly recommends the adoption of primary enforcement laws. The Task Force is a 15-member, nonfederal group with expertise in public health policy, behavioral and social sciences, and epidemiology convened by the Department of Health and Human Services and staffed by the Centers for Disease Control and Prevention. The Task Force conducts systematic reviews of the scientific literature and proposes evidence-based recommendations for programs and policies to promote population health. The reviews and recommendations of the Task Force are collected in a publication entitled *The Guide to Community Preventive Services*. The Task Force examined motor vehicle related deaths and injuries and issued recommendations for interventions to increase use of seat belts including the strong recommendation that states implement primary enforcement laws.

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.

Why is this issue important?

When the Health District conducts its evaluation of the burden of injury and illness, staff considers both the amount of years of healthy life lost to the injury or disease and the availability of effective, evidence-based interventions. This evaluation helps the Health District set priorities for activities and programs. During the Health District's most recent evaluation, the nonuse of seat belts ranked 13th among the 28 risk factors contributing to the health burden among Health District residents. The passage of a primary enforcement law ranked at the top of the most effective interventions that could result in reducing the health burden in our community.

The Health District's most recent triennial survey of residents (2004) found that 93% of local residents usually wear seatbelts and 77.7% always use seatbelts. The Healthy People 2010 goal is 92% of the population using seat belts. In Larimer County, a recent study by the University of Colorado found that only 60% of Larimer county teens age 16 to 20 were using seat belts when in a motor vehicle. According to a report released in 2006 by the Colorado Department of Transportation, Larimer County led the state in traffic fatalities among 16 to 20 year olds in 2005.⁶ Further, the county had the lowest seat-belt use among people in that age group

⁴ Ibid.

⁵ National Highway Traffic Safety Administration, Traffic Safety Facts, Strengthening Safety Belt Use Laws, January 2006, accessed at <http://www.nhtsa.dot.gov>

⁶ The Coloradoan, "Larimer Logs Grim Driving Statistics", January 26,2006

compared to all other counties, according to a Colorado State University study that was included in the report.⁷

Data on seat belt usage

Results from the National Occupant Protection Use Survey, an observational study, indicate that seat belt use in the United States in 2005 was 82%. For the same year, in Colorado 79.2% of front-seat vehicle occupants used seat belts. According to the Colorado Department of Transportation, seat belt usage rates among teenage drivers is about 70%.

Reasons to support bill:

- Research has consistently found that seat belt use saves lives and prevents injury.
 - Use of seat belts by front seat passengers reduces the risk of fatal injury in car crashes by 45%.⁸
 - Use of seat belts by front seat passengers reduces the risk of moderate-to-severe injury by 50%.⁹
 - The National Highway Transportation Safety Administration estimates that in 2005 seat belts saved 15,632 lives and if all motor vehicle occupants over age 4 had worn seat belts an additional 5,328 lives could have been saved.¹⁰
- Primary enforcement laws increase seat belt usage over and above rates achieved by secondary enforcement. Primary enforcement laws increase observed seatbelt usage by about 14% and decrease fatal injuries by about 8%.
- There is a tremendous economic cost due to motor vehicle crashes. A 2000 report by NHTSA evaluating both direct and indirect economic costs found that motor vehicle crashes cost the state of Colorado \$3.2 billion dollars. A primary enforcement bill could reduce the amount of fatal and nonfatal injuries resulting from motor vehicle crashes and thereby reduce the economic cost.
- The argument that primary enforcement laws could lead to an increase in racial profiling have been investigated by studies reviewed by the Task Force on Community Preventive Services. Two studies of a change from secondary to primary enforcement in Louisiana, Maryland, Oklahoma and the District of Columbia did not find any evidence that primary enforcement laws contribute to racial profiling.¹²
- Primary enforcement laws increase seat belt usage by African-American and Hispanic populations more than whites. While African-American drivers are less likely than white drivers to use seat belts, research has found that this racial disparity is mitigated in states with primary enforcement laws.¹³ Additionally, minority law enforcement and governmental organizations have expressed concern about the low rate of seat belt usage among minorities and supported laws to increase usage. The National Organization of

⁷ Ibid.

⁸ National Highway Traffic Safety Administration, www.nhtsa.gov

⁹ Ibid.

¹⁰ Ibid.

¹¹ Task Force on Community Preventive Services

¹² Ibid.

¹³ Briggs, N.C., Schlundt, D. G., Levine, R.S., Goldzweig, I.A., Stinson, N., Warren, R.C., Seat Belt Law Enforcement and Racial Disparities in Seat Belt Use, American Journal of Preventive Medicine, 2006; 31(2)

Black Law Enforcement Executives (NOBLE) has expressed support for primary seat belt laws to increase usage among African-Americans as has the National Black Caucus of State Legislators.

- Supporters of the bill have argued that the idea that no one else is harmed if individuals fail to wear a seat belt is a false one because the economic impacts of motor vehicle crashes are felt throughout the Colorado economy and by the state itself in terms of Medicaid and other costs. In other words, we all pay for the cost of deaths and injuries due to motor vehicle crashes and those costs could be reduced by a primary enforcement bill. In addition, supporters argue that driving is not a right but a privilege and it is acceptable for the state to impose certain conditions on the exercise of that privilege.
- Non-use of seat belts by youth is a problem in Larimer County and this bill could increase seat belt use among this population.
- If this bill increases seat belt usage, Colorado may be eligible for additional NHTSA incentive grants.

Reasons to oppose bill:

- Some opponents of seat belt laws believe that primary enforcement laws are an attack on civil liberties and the government should not be allowed to impose this requirement on citizens. They consider seat belt usage to be an individual choice best left up to each driver and argue that the nonuse of seat belts harms no one but the driver making that choice.¹⁴
- There is concern that passage of a primary enforcement law would allow police officers to engage in racial profiling, stopping minority motorists based on suspicions raised only by their minority status. Some feel that a primary enforcement law gives officers another tool to use to engage in racial profiling, meaning it gives officers a valid reason to cite when the real motivation for stopping the vehicle is based on race-based suspicions of other crimes. The American Civil Liberties Union (ACLU) issued a report in 1999 entitled “Driving While Black” calling attention to the problem of racial profiling. Since then, ACLU organizations in a number of states have opposed primary enforcement laws.
- Some have argued that seat belt laws create a situation of “risk compensation,” meaning that drivers wearing seat belts are more likely to engage in risky driving because they feel safer. Although there is relatively little research on this issue, the Task Force on Community Preventive Services reviewed available studies examining risk compensation. Three studies attempted to examine whether injury reductions due to seat belt use are offset by increased injury due to riskier driving behaviors but results were inconclusive. Three studies did not show a correlation between increased seat belt use and risky driving. For this reason, the Task Force concluded that the available evidence does not support the concept of risk compensation relative to seat belt laws.¹⁵
- Others have suggested that increased belt usage could be achieved through public education campaigns alone. Staff has been unable to find any studies evaluating the effects of public education campaigns compared to other interventions. Campaigns of enhanced police enforcement programs have been studied. The Task Force on

¹⁴ Independence Institute, Editorial by Mike Krause, Colorado’s Silly Seat Belt Bill, April 2, 2006
http://www.i2i.org/main/article.php?article_id=1304

¹⁵ The Guide to Community Preventive Services, What Works to Promote Health?, 2005, Chapter 8 Motor Vehicle Occupant Injury, p. 343

Community Preventive Services examined 15 studies on enhanced enforcement. The studies found that the median change in observed seat belt use was a 16% increase and a reduction in fatal and nonfatal injuries of between 7- 15%.¹⁶ Eleven studies included follow-up data on the post-enhanced enforcement time period and all found a decline in usage after the campaign ended. Nonetheless, usage rates remained improved over baseline measures.

- 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.

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

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.

¹⁶ Dinn-Zarr, T.B., Sleet, D.A. ,et al, Reviews of Evidence Regarding Interventions to Increase the Use of Safety Belts, American Journal of Preventive Medicine, 2001;21