

Analysis of House Bill 05-1138

for the Health District of Northern Larimer County Board of Directors

February 15, 2005

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

Sponsors: House: Coleman, Senate: Groff

Committees: Transportation and Energy

History: Introduced in House 1/12

Prepared by: Katherine Young

Overview

HB05-1138 makes it a primary offense, punishable as a class B traffic infraction, for a driver to operate a motor vehicle without the driver, certain children and all front seat passengers wearing fastened safety belts. According to the fiscal note for HB05-1138, Colorado State Patrol is expected to issue roughly 20,000 additional citations per year as a result of HB05-1138, an increase of 60% over the current number of citations issued. Under HB05-1138, seat belt violations would be punishable by a \$15 fine and a \$2.60 surcharge, and revenues from citations issued by State Patrol officers would be deposited into the Highway Users Tax Fund (HUTF). Monies deposited into this fund would be distributed to the state, counties and municipalities for highway purposes. Increased GF expenditures to implement HB05-1138 are estimated at \$63,182 in FY 2005-06 and \$56,665 each year thereafter.¹

Why is this issue important to the Health District?

The Board of Directors for the Health District of Northern Larimer County has identified non-use of seat restraints as a legislative priority. 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.² 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.³

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 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%, during which warning and citations also increased by 28%.⁴

¹ HB05-1138 Fiscal Note

² 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/>

³ National Center for Statistics and Analysis, <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/>

⁴ Governors Highway Safety Association, "Survey of the States: TEA-21 Programs"

Summation of Arguments: HB05-1138	
Support	Oppose
<ul style="list-style-type: none"> • It has been demonstrated nationally and in Colorado that increased 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. • Even without HB05-1138, state revenue is expected to exceed the Tabor limit. • Counties and municipalities would receive 35% (approximately \$120,000) of HUTF revenue each year. Revenue derived from local officers under the bill would remain in the jurisdiction where issued. 	<ul style="list-style-type: none"> • 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. • Revenue generated would count toward the TABOR limit. • 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.

Board Position: The Board voted to strongly support HB05-1138 on February 22, 2005.

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, but are limited by both space and time available for analysis in quick-moving legislative sessions. It is suggested that people check to see whether a bill has 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. Their mission is to improve the health of the community.

For more information about this policy position or the Health District, please contact Katherine Young, at kyoung@healthdistrict.org, or (970) 224-5209.