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SFA



BILL ANALYSIS

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Senate Bill 335 (Substitute S-2 as reported)
Sponsor: Senator Bill Bullard, Jr.
Committee: Transportation and Tourism

Date Completed: 3-11-99

RATIONALE

In 1985, Michigan adopted legislation making safety belt use mandatory for motor vehicle drivers and front-seat passengers. At that time it was estimated that only 15% of the State's drivers regularly used safety belts, despite their widespread availability in vehicles. Since then, the rate of safety belt use reportedly has climbed steadily to the current usage rate of 71%. Although the safety belt law apparently has succeeded in prompting more drivers to buckle up, some people believe that the compliance rate still is unacceptably low, due in part to the secondary enforcement of the law. Because of this, law enforcement officers can ticket a driver for a safety belt violation only if the driver is stopped for a separate offense. Some people believe that greater compliance with the State's safety belt law would occur if Michigan began enforcing the law as a primary action, meaning that police officers could stop and ticket motorists solely for a safety belt infraction.

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- **Provide that the Code's safety belt requirements could be enforced only as a secondary action if, after December 31, 2005, the Office of Highway Safety Planning certified that there had been less than 80% compliance with the requirements during the preceding year.**
- **Require each driver and passenger of a motor vehicle to wear a properly adjusted and fastened safety belt.**
- **Require all children under four years of age in a motor vehicle to be secured properly in a child restraint system.**
- **Require the Secretary of State to engage an independent organization to conduct a three-year study to determine the effect of the primary enforcement of the safety belt requirements on the number of incidents of**

police harassment of drivers, and report to the Legislature by June 30, 2001, and each year thereafter.

- **Specify a legislative intent that enforcement of the safety belt requirements "be conducted in a manner calculated to save lives and not in a manner that results in the harassment of the citizens of this state."**

Currently, each driver and front seat passenger of a motor vehicle operated on a street or highway in the State must wear a properly adjusted and fastened safety belt, except that a child under four years of age must be protected as required in the Code. The bill would delete reference to front seat and would add that if there were more passengers than safety belts available for use, and all safety belts in the vehicle were being used in compliance with the Code, the driver of the motor vehicle would be in compliance with the Code.

Currently, any child under the age of one must be in a child restraint system, any child at least one but under four must be in a child restraint system when in the front seat of a vehicle, and any child at least one but under four must be in a child restraint system or secured by a safety belt when in the rear seat. The bill would delete those provisions and require all children under four to be in a child restraint system.

Under the Code, enforcement of the safety belt requirements by State or local law enforcement agencies is accomplished only as a secondary action when a motor vehicle driver has been detained for a suspected violation of another section of the Code. Under the bill, enforcement of the safety belt requirements would be as a secondary action if after December 31, 2005, the Office of Highway Safety and Planning certified that there had been less than 80% compliance with the requirements during the preceding year.

The bill would require a law enforcement agency to conduct an investigation for all reports of police

harassment that resulted from the enforcement of the Code's safety belt requirements. The Secretary of State would be required to engage an independent organization to conduct a three-year study to determine the effect that the primary enforcement of these requirements had on the number of incidents of police harassment of drivers. The organization that conducted the study would have to submit a report to the Legislature by June 30, 2001, and an annual report by June 30 each year thereafter.

The Secretary of State would have to promote compliance with the safety belt requirements at the branch offices and through any print or visual media determined appropriate by the Secretary of State.

MCL 257.710d & 257.710e

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to the Department of Community Health (DCH), research by the National Highway Traffic Safety Administration has shown that the use of lap/shoulder safety belts reduces the risk of fatal injury to front-seat passenger car occupants by 45% and the risk of moderate-to-critical injury by 50%. For occupants of light trucks, safety belts evidently reduce the rate of fatal injury by 60% and moderate-to-critical injury by 65%. Reportedly, 1997 Michigan State Police crash data show that, since Michigan adopted the safety belt law, the resultant increase in safety belt use has saved more than 600 lives, prevented 14,000 serious injuries, and reduced health care and insurance costs by approximately \$630 million. While the rate of compliance with the safety belt law in Michigan has increased approximately 65% in 14 years, the rate apparently has peaked in recent years. Some people speculate that prohibiting police officers from enforcing the law as a primary action and not requiring adults riding in the back seat of a vehicle to wear safety belts imply that not wearing safety belts carries few adverse consequences. Furthermore, when adults choose not to wear safety belts, only 52% of the children are belted, but when a driver is wearing a safety belt, children under four years of age wear safety belts 81% of the time, according to the University of Michigan Transportation Research Institute, as reported by the DCH. Encouraging safety belt use by adults is the best way to increase belt use by children. Reportedly, the National Safety Council has found that seatbelt use is 10% to 15% higher in states with primary enforcement laws.

Supporting Argument

Many traffic deaths and injuries are preventable. The

use of a safety belt often is the best defense an occupant of a vehicle has to prevent deaths and serious injuries that cost Michigan millions of dollars. The DCH reports that, according to the National Highway Traffic Safety Administration, Michigan could save 100 lives, prevent 3,000 serious injuries, and save \$170 million in medical and insurance costs per year if there were primary enforcement of the safety belt law.

Supporting Argument

If Michigan's safety belt law were enforced as a primary action, Michigan evidently could be eligible for two grants available to states under the Federal Transportation Equity Act for the 21st Century (TEA-21). Under Section 157 of TEA-21, \$500 million is available in grants for states' efforts to increase seat belt use. Michigan currently receives only \$290,000, which is divided between the Michigan Department of Transportation for highway safety devices and programs and the State Police Office of Highway Safety Planning for public awareness and education of the safety belt law. (Reportedly, in comparison, California receives \$16.7 million and Ohio receives \$1.2 million.) Some people believe that Michigan could be eligible for more funds under the grant if it could demonstrate an increase in safety belt use. In addition, Section 405 of TEA-21 provides \$83 million in grants for traffic safety programs, including occupant protection. Michigan currently does not receive a grant because it reportedly fails to meet four out of six eligibility criteria, including primary enforcement of a safety belt law.

Opposing Argument

Safety belt use should be a personal choice and should not be regulated by State government further than it already is under the Michigan Vehicle Code. By removing an individual's right to choose his or her own level of personal risk and style of driving, the State would be substituting its judgment for that of the individual. Some people also are concerned that the bill would give police more leeway to stop and harass motorists under the guise of the safety belt law, even though the bill states that it would be the intent of the Legislature that primary enforcement of the safety belt law not be done in a manner that resulted in the harassment of citizens. Furthermore, when the safety belt law was first enacted in 1985, some supported its passage only because the law would be enforced as a secondary action. Some people feel the bill would nullify this compromise and the promise made to the motoring public.

Response: Driving is not a right but a privilege. When a person is licensed to drive, he or she implicitly consents to the regulation of his or her driving by government for the sake of public safety. Establishing primary enforcement of the safety belt law would make it clear that this provision of the Vehicle Code would be enforced in the same manner as other traffic laws. Also, according to the DCH,

there have been no reports or complaints of harassment from other states that have enacted standard enforcement. Furthermore, if increased seatbelt use resulted in fewer accidents involving serious injury or death, law enforcement officers would have more time to spend enforcing and investigating other matters.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would require the Department of State to engage an independent organization to conduct a study to determine the effect of primary enforcement on incidents of police harassment of drivers. This requirement would impose contractual costs on the Department.

The bill would have no fiscal impact on the Department of State Police or on local government.

Fiscal Analyst: E. Limbs
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