

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 335 (as enrolled)
Sponsor: Senator Bill Bullard, Jr.
Senate Committee: Transportation and Tourism
House Committee: Transportation

PUBLIC ACT 29 of 1999

Date Completed: 8-2-99

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 will occur if Michigan enforces the law as a primary action, meaning that police officers may stop and ticket motorists solely for a safety belt infraction.

CONTENT

The bill amended the Michigan Vehicle Code to do the following:

- **Require the Code's safety belt requirements to be enforced only as a secondary action if, after December 31, 2005, the Office of Highway Safety Planning certifies that there has been less than 80% compliance with the requirements during the preceding year.**
- **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 incidents of police harassment of drivers, and report annually to the Legislature.**
- **Require the Secretary of State to analyze the cost savings resulting from the bill, and**

report to the Legislature.

- **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" and that "the cost savings realized by insurance companies because of the changes made by this amendatory act be passed on to insurance policyholders".**

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 adds that if there are more passengers than safety belts available for use, and all safety belts in the vehicle are being used in compliance with the Code, the driver of the motor vehicle is 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 deletes these provisions and requires 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 will be a secondary action if, after December 31, 2005, the Office of Highway Safety and Planning (in the Department of State Police) certifies that there has been less than 80% compliance with the requirements during the preceding year.

The bill requires a law enforcement agency to conduct an investigation for all reports of police harassment that result from the enforcement of the Code's safety belt requirements. The Secretary of State must engage an independent organization to conduct a three-year study to determine the effect that the primary enforcement of these requirements has on the number of incidents of police harassment of drivers. The organization that conducts the study must submit a report to the Legislature by June 30, 2001, and an annual report by June 30 each year thereafter.

The bill also requires the Secretary of State to conduct a study, with the cooperation and contribution of the Directors of the Departments of State Police, Community Health, and Transportation as well as the Insurance Bureau, to analyze the monetary savings, if any, resulting from the bill. The Secretary of State must report the findings of the study to the Senate and House of Representatives Appropriations Committees and the Senate and House of Representatives Fiscal Agencies by May 1, 2000.

In addition, the bill requires the Secretary of State 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.

(The bill will take effect on the 91st day following the adjournment of the 1999 legislative session.)

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 implies 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.

Under the bill, at least through the year 2005, police officers in Michigan will have the authority to stop motorists who are not wearing a seatbelt, or whose passengers are not buckled up, even if no other violation is being committed.

Supporting Argument

Many traffic deaths and injuries are preventable. The use of a safety belt often is the best method vehicle occupants have to avoid the deaths and serious injuries that cost Michigan millions of dollars. The DCH reports that, according to the National Highway Traffic Safety Administration, Michigan may save 100 lives, prevent 3,000 serious injuries, and save \$170 million in medical and insurance costs per year with primary enforcement of the safety belt law.

Response: The bill retains the current requirement that each driver and front seat passenger wear a safety belt. If the importance of wearing safety belts demands that the State's safety belt law be enforced as a primary action, then all

passengers in a vehicle, not just those who sit in the front seat, should be required to wear safety belts.

Supporting Argument

By requiring the safety belt law to be enforced as a primary action, Michigan evidently may become 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 may be eligible for more funds under the grant if it can 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 has failed to meet four out of six eligibility criteria, including primary enforcement of a safety belt law.

Opposing Argument

Safety belt use is a personal choice and must 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 is substituting its judgment for that of the individual. Past efforts to educate motorists about the importance of wearing safety belts have resulted in a 70% compliance rate. Instead of resorting to primary enforcement of the law, the State should focus on educating and encouraging persons to wear safety belts. 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 that the bill nullifies 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 makes it clear that this provision of the Vehicle Code will be enforced in the same manner as other traffic laws are enforced. Moreover, if increased seatbelt use results in fewer accidents involving serious injury or death, law enforcement officers will have more time to spend enforcing and investigating other matters.

Opposing Argument

Some people are concerned that the bill gives police excessive leeway to stop and harass motorists,

particularly minorities, under the guise of the safety belt law, even though the bill states that it is the intent of the Legislature that primary enforcement of the safety belt law not be done in a manner that results in the harassment of citizens.

Response: The Department of State Police and other law enforcement agencies already are taking steps, such as meeting with civil rights representatives, to address the perception of racial profiling and to ensure that minorities are not unfairly targeted in traffic stops. Also, according to the DCH, there have been no reports or complaints of harassment from other states that have enacted standard enforcement.

Opposing Argument

Primary enforcement will divert police from enforcing other driver safety laws-- by pursuing aggressive drivers who blatantly ignore speed limits and traffic signals, for example--to enforcing the safety belt law.

Response: Some law enforcement agencies contend that investigating an auto accident in which a person died or was seriously injured because he or she did not wear a safety belt requires more time of a police officer than investigating an accident where no one was seriously injured because people had worn safety belts.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill requires the Department of State to engage an independent organization to 1) conduct a study to determine the effect of primary enforcement on incidents of police harassment of drivers, and 2) determine the monetary savings (if any) resulting from the bill. These requirements will impose contractual costs on the Department.

The bill will have a minimal fiscal impact on the Department of State Police or on local government.

Fiscal Analyst: E. Limbs
B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.