

SECTION VI

Challenges to a Standard Seat Belt Use Law

Although standard enforcement has been shown to save lives, prevent injuries and save money, some still oppose it. If people do not know the facts, politically sensitive issues such as harassment and infringement of individual rights may become obstacles to standard enforcement in your state.

Harassment: Differential Enforcement of Traffic Laws

Members of minority groups often feel that they are unfairly targeted by police enforcing traffic laws. This issue of differential enforcement is a serious matter. Whether it is real or perceived, it can undermine respect for traffic laws, leading to contempt for the legal process and for enforcement personnel themselves. This is unfortunate since the majority of law enforcement officers risk their lives every day to protect and defend the public.

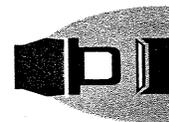
Within segments of the African American community, there is a general perception that traffic law enforcement is used, sometimes in conjunction with drug interdiction, in a manner which unfairly singles out vehicles driven or occupied by African Americans. Prominent civil rights organizations have also complained that traffic stops involve strategies, which unfairly single out vehicles driven by African Americans. The term "Driving While Black" has sometimes been used in the news media to bring attention to this issue.

These claims, fears and perceptions of harassment cause much concern among law enforcement organizations and executives. They also feel that differential enforcement of traffic laws, based on race, is unacceptable and must be eliminated, wherever it may exist. In response, the Department of Justice and major national law enforcement organizations have initiated a dialogue with minority and civil rights groups on this issue.

Harassment in States with Standard Seat Belt Laws

Occupant protection laws and their enforcement constitute a very important component of traffic safety efforts. Forty-nine states (plus the District of Columbia and Puerto Rico) have seat belt use laws and all 50 states (plus DC and PR) have child passenger safety laws. These laws are responsible for most of the increase that has occurred in seat belt and child safety seat use. The vast majority of the estimated 100,000 deaths and 3 million injuries that have been prevented by safety belts since 1979 have been prevented by the enactment and enforcement of seat belt and child passenger safety laws.

Over the two decades during which seat belt and child passenger safety laws have been in existence, there has been very little evidence to suggest that they have been used in any systematic way to harass minority groups. Most state seat belt laws have been secondary laws, but there has been a long history of experience in at least ten states which originally enacted standard laws and all of the state child passenger safety laws have been standard laws. Currently, there is a trend for states with secondary enforcement laws to upgrade to allow for standard enforcement. This is due to the potential for achieving much higher seat belt use rates with standard laws. As a result of recent upgrades, states such as California, Louisiana, Georgia, and Maryland (along with DC) have experienced increases in seat belt usage ranging from 10 to more than 20 percentage points. These dramatic increases in usage, often following years of little or no increase, have resulted in major public health and safety benefits among all racial and ethnic groups.



However, some individuals and organizations oppose upgrades to standard seat belt laws, claiming that such upgrades will lead to an increase in the harassment of minority groups. They cite personal experiences, court cases and incidents which have been reported in the news media as evidence of such potential for harassment. But, these opponents of such upgrades have seldom provided any evidence that standard laws have resulted in any kinds of systematic changes in enforcement activity which could be interpreted as harassment of minority groups.

Clearly the fear of standard laws is very real in minority communities and has been well documented. There is evidence from at least three states (California, Louisiana, and Georgia) that, when these states upgraded to standard laws, fear of harassment among minority groups increased — as did their seat belt use rate. In fact, seat belt use generally increased to a greater extent among minorities than it did among whites after such upgrades. The disproportionate increases in seat belt use appear to result from the minority communities' greater sensitivity to standard laws and their enforcement. In depth studies conducted in various communities found no evidence to show any shift in enforcement patterns which could be interpreted as harassment. In fact, increases in citations issued for seat belt violations were usually proportionately greater among whites than among minorities.

Both the Louisiana and Georgia studies found that while minority groups in each state thought their chances of getting a seat belt ticket were higher than whites, analysis of citation data in test locations revealed no differences in ticketing by race that would suggest disproportionate increases in enforcement activity among minority groups. Younger drivers, males, and those who drove more than 15,000 miles a year did receive proportionately more citations, as would be expected based on usage rates and exposure.

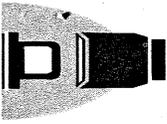
Additional studies are needed and thus new studies are being initiated in states which have more recently upgraded to standard enforcement. These studies will monitor enforcement activity and document any observed changes in enforcement patterns among minority groups. A multi-state study is also being conducted by a

research organization that specializes in evaluating enforcement practices. This study will also examine the effect that both secondary and standard seat belt laws have on enforcement patterns.

In the meantime, many minority group legislators have supported standard law upgrades in various states because of the enormous public health and safety gains that can be made. Some of these legislators have publicly testified that, following their upgrades to standard seat belt laws, they have seen neither any backlash in their communities nor any evidence of differential enforcement of the new laws.

In Louisiana, for example, where seat belt use rose from 50 percent to 86 percent in the two years following a standard law upgrade, legislator Danny R. Mitchell described his state's experience in a letter to the Michigan Legislature (which was considering similar legislation) as follows: "As an African-American legislator from Louisiana, I participated last spring in the debate over passage of a primary seat belt law for our state. In fact, I was one of the ten sponsors of this bill....We have surveyed the offices of several of my colleagues in the Louisiana Legislature in addition to the major police departments in the state to determine if there have been any complaints of harassment associated with enforcement of this law. I am pleased to relate to you that the record is clear on this question, there have been no reports or complaints of harassment."

In Maryland, Delegate Joanne Benson, an African American, stated that: "This is a serious public health issue. We know that three out of four kids killed in crashes are riding unrestrained. That is why I led the effort in Maryland's Assembly to upgrade our state's safety belt law from secondary to primary enforcement. There were concerns that primary enforcement - which really amounts to standard enforcement like every other law - could lead to police harassment. But since the law has passed, we've found no evidence of harassment. Safety belts save children, no matter what color they are." As a result of the efforts of Delegate Benson and others who helped enact Maryland's primary law, seat belt use increased from 70 percent to 83 percent within the first year after enactment.



Motor Vehicle Deaths and Injuries Affect Minorities

African Americans, in particular, have much to gain from stronger seat belt laws. According to a recent national occupant protection usage survey, observed seat belt use among African Americans is more than ten percentage points lower than the national average. This low level of usage, coupled with the tendency for African Americans and Hispanic Americans to increase their seat belt usage to a greater extent than whites following an upgrade to standard enforcement, makes the potential health and safety gains to the black community even greater.

Youth, of any racial or ethnic group, have a much higher risk of being involved in a crash than do adult members of that group. Unfortunately, they also have much lower seat belt use rates. Of major concern is the fact that African American youths are not only at great risk for traffic-related injuries and death, they are far less likely than other youths to be buckled up. According to the Centers for Disease Control and Prevention (CDC), over 31 percent of black high school students reported either rarely or never wearing their seat belts, compared to 21 percent of white and 18 percent of Hispanic students.

Low seat belt use presents a major public health threat to minority communities. Many African Americans, particularly young males, are being killed and seriously injured because they do not wear seat belts. In states with secondary belt laws, seat belt use among young African American males is only about 46 percent. In states with standard belt laws, usage among this group is significantly higher – 58 percent. Stronger belt laws can make a major difference. In states that have upgraded to standard laws, seat belt use among minority groups has not only risen to a greater extent than among whites, it has risen almost immediately after the law was upgraded.

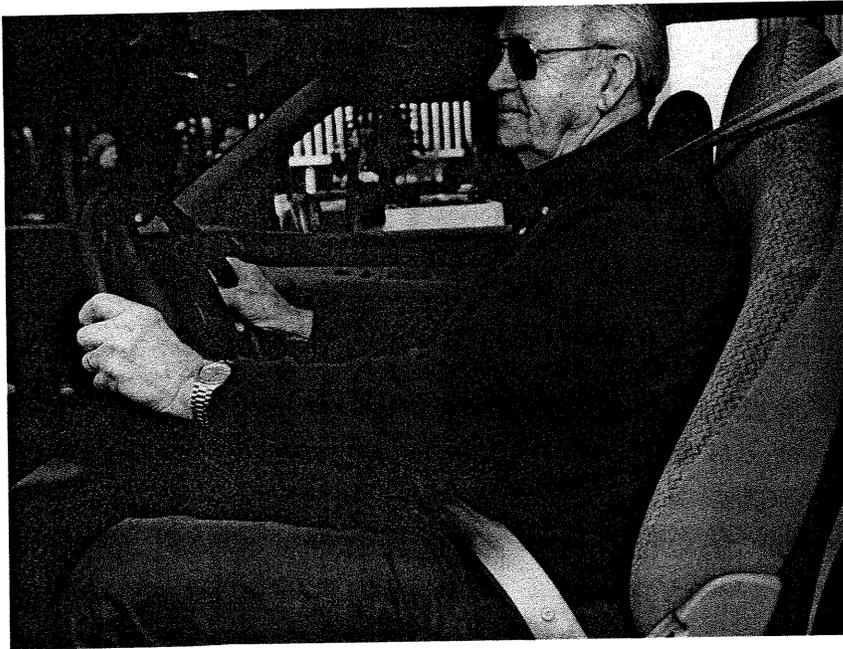
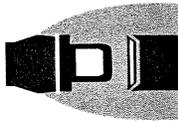
Encourage Law Enforcement to Speak Out

In order to address this issue State and local law enforcement officials are encouraged to review and reaffirm their departmental policies and training programs to ensure that differential enforcement does not occur. They should also take special steps to let the public know that the harassment issue is one that they take very seriously and that they have policies and procedures in place to address it. The potential for harassment is an ongoing concern. It is not limited to, or created by, standard seat belt laws. Assurances from state and local law enforcement leaders across the nation that seat belt use laws will be enforced uniformly in all segments of the population can help alleviate concerns.

Individual Rights

The argument of individual rights is used in opposition to many traffic safety laws, but particularly in opposition to seat belt laws. There is little question that all traffic laws impose some degree of control on individuals because they require actions that some people do not take voluntarily. But driving is an important privilege, it is not a right.

The legitimacy of most traffic laws (e.g. driving on the right side of the highway, driving with lights on, signaling prior to turns, etc.) is often accepted because it is quite apparent that failure to obey such laws could result in serious harm to ourselves and to others. Opponents of seat belt use laws frequently claim that a person has the "right" not to use a seat belt because the only one who is likely to be injured as a result is oneself. In fact, this is not true. Unbelted occupants frequently injure other occupants in a crash; unbelted drivers have much less opportunity to control their vehicle in a crash; children riding with unbelted adults are only one-third as likely to be buckled up as are children riding with belted adults; and the cost of increased deaths and injuries associated with failure to use a seat belt is borne by all of us.



Who Pays the Cost?

When a person is injured in a traffic crash, society often absorbs the costs. In a Massachusetts case (*Simon v. Sargent*) that was affirmed by the United States Supreme Court in November 1972, the high court wrote, "...From the moment of injury, society picks the person up off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job; and, if the injury causes disability, may assume the responsibility for his and his family's continued subsistence. We do not understand a state of mind that permits plaintiff to think that only he himself is concerned."

In fact, eighty-five percent of all medical costs for crash victims fall on society, not on the individuals involved. When crash victims are not buckled, their costs for medical treatment are on average 50 percent higher than for those who wear seat belts. Belted crash victims average 60 to 80 percent lower hospital costs than unbelted victims.

Employers also pay a high price for traffic deaths and injuries. It is estimated that employer medical spending on crash injuries is nearly \$9 billion each year, and another \$9 billion is spent on sick leave and life and disability insurance for crash victims. Off-the-job crash injuries alone cost employers over \$14 billion a year.



SECTION VII

Summary: The Case for Standard Seat Belt Use Laws

Seat belt use prevents deaths and injuries and saves money. We know from experience and scientific studies that upgrading to standard enforcement increases seat belt use by an estimated 15 percentage points almost immediately.

Political Support

Elected officials should be confident that their support for standard seat belt use laws will be well regarded by the general public. A national survey conducted by Public Opinion Strategies found that:

By a margin of three to two, voters are more likely to support an elected official who endorses standard seat belt enforcement;

There is little or no difference between political parties in support for stronger seat belt use laws and enforcement; and

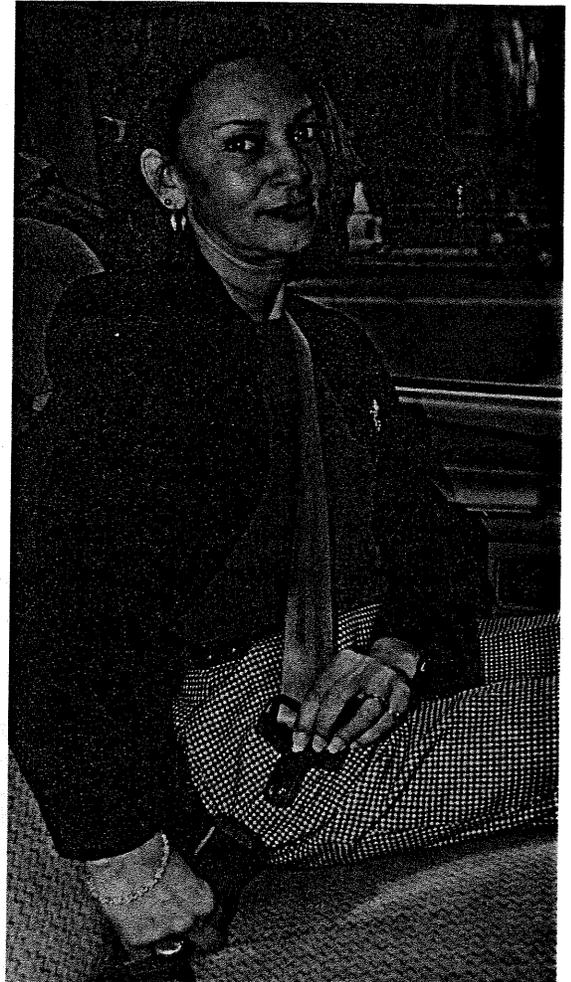
Voter satisfaction with seat belt laws is highest where standard seat belt use laws are enforced.

Safety Benefits are Immediate

NHTSA estimates that if every state upgraded to standard enforcement, 2,064 lives would be saved, 49,400 injuries would be prevented, and \$3.4 billion in economic savings would be realized annually.

Where Do We Go From Here?

The next step is to seize the momentum created by the *Buckle Up America* campaign and support upgrading your state's seat belt law to standard



enforcement. Compare your state's law to the model law included in this manual and see if there are other enhancements (such as closing gaps in the child restraint law) that will save even more lives in your state.

Support is strong, the evidence is overwhelming and the time is now to enact standard enforcement seat belt use laws.

APPENDIX A

The Facts: It's Time to Buckle Up

Saving Lives

Seat belts are the most effective safety devices in vehicles today, estimated to save 9,500 lives each year. The national belt use rate is only 69 percent. In 1996, more than 60 percent of the occupants killed in fatal crashes were unrestrained.

If 85 percent of Americans buckled up, we would prevent more than 4,100 additional deaths and 102,000 additional injuries annually.

Every hour, at least one American dies because he or she didn't buckle up.

Failure to use a seat belt contributes to more fatalities than any other single traffic safety-related behavior.

Increasing seat belt use is still the single most effective thing we can do to save lives and reduce injuries on America's roadways.



Protecting Kids

Traffic crashes are the leading cause of death and injury to children ages 0-15.

Child safety seats, used correctly, reduce the risk of death by 69 percent for infants and 47 percent for toddlers.

Adults who don't buckle up are sending children a deadly message that it is all right not to wear a seat belt. Children model adult behavior. Observations conducted in 1996 showed that if a driver is wearing a seat belt, 86 percent of the time toddlers will also be restrained. If the driver is not wearing a seat belt, however, only 24 percent of the time will toddlers be restrained.

Reaching Young People

Data suggest that education alone isn't doing the job with young people, especially ages 16-25, the age group least likely to buckle up. They simply don't think about being killed or injured. Yet they are the nation's highest risk drivers, with more impaired driving, more speeding, and more crashes. Neither education nor fear of injury or death is strong enough to motivate this tough-to-reach group. Rather, stronger seat belt laws and high visibility law enforcement are proven methods to get them to buckle up.

*From the Buckle Up America action kit (DOT HS 808 628, September 1997)
See Appendix D - Resources for additional information on Buckle Up America*



The Facts: The Economic Cost of Non-Belt Use

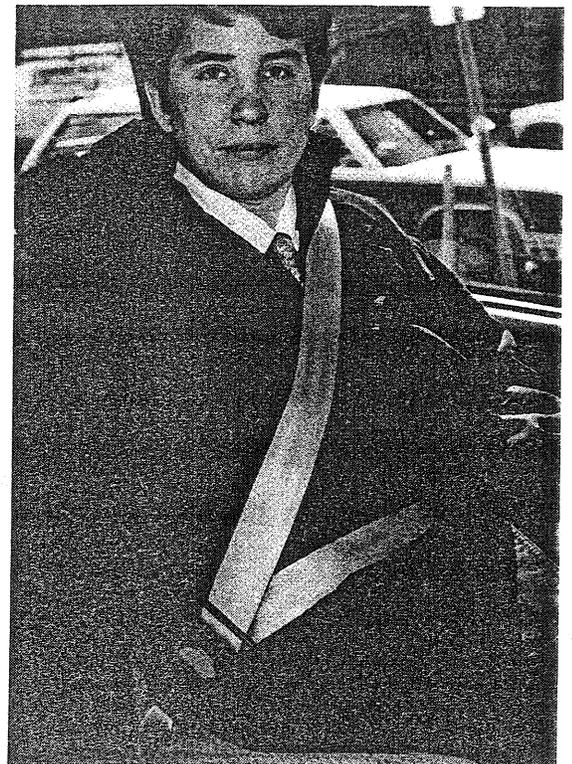
The Cost to Society

- Traffic-related injuries are the leading cause of all injury death in America. Every nine seconds, someone is injured in a traffic crash and every 13 minutes someone is killed.
- Traffic-related injuries are the leading cause of death for children and young adults ages six to twenty-seven.
- Motor vehicle crashes cost society \$150.5 billion every year, including \$17 billion in health care costs.
- Eighty-five percent of all medical costs of crash victims fall on society, not the individuals involved.
- Medicare, Medicaid and other taxpayer funded sources pay 24 percent of the costs for traffic crash victims.
- When crash victims are unbuckled, their medical treatment costs are 50 percent higher.
- Crash costs skyrocket when vehicle occupants are not wearing seat belts because unbelted crash victims sustain more severe injuries and more fatalities than belted victims. Belted victims average 60 to 80 percent lower hospital costs than unbelted victims.

The Cost to Employers

On-the-job crashes cost employers almost \$22,000 per crash and \$110,000 per injury.

- In one year, off-the-job crash injuries cost employers over \$14 billion.
- Employer health care (medical) spending on crash injuries is nearly \$9 billion every year. Another \$9 billion is spent on sick leave and life and disability insurance for crash victims.



The Facts: Effectiveness of Standard Seat Belt Use Laws

Overall, states with standard seat belt use laws achieve significantly higher belt use.

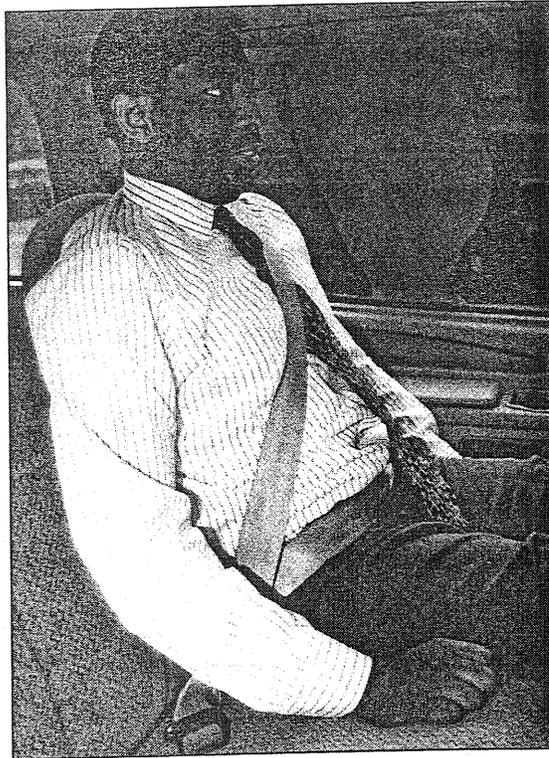
In 1997, the average observed belt use rate reported by states with secondary enforcement was 62 percent, compared to 79 percent in states with standard seat belt use laws.

Since California made the change to standard enforcement in 1993, seat belt use has risen 20 percentage points—from 70 percent to 90 percent.

In 1995, Louisiana upgraded from secondary to standard enforcement and the statewide seat belt use rate increased from 50 percent (1994) to 68 percent (1996)—an increase of 18 percentage points.

Georgia upgraded in 1996 and use rates climbed from 51 percent just prior to the upgrade to 68 percent the following year—a statewide increase of 17 percentage points.

On October 1, 1997, Maryland and the District of Columbia both upgraded from secondary to standard enforcement. Maryland's seat belt use rate has increased 13 percent points, from 70 percent (1996) to 83 percent (1998). The District of Columbia's seat belt use rate



increased from 58 percent (1996) to 82 percent (1998). This is an increase of 24 percentage points.

Public support is strong for primary seat belt use laws and it is increasing. A July 1997 poll by Public Opinion Strategies found that 61 percent favored standard enforcement laws.



Point-Counterpoint: Myths and Facts

Question: *Doesn't the state have more important things to do than to devote attention and resources to increasing seat belt use?*

Answer: Traffic crashes are a leading threat to public health. Increasing seat belt use is still the single most effective and immediate way we can save lives and reduce injuries on America's roadways. Seat belts are estimated to save 9,500 lives in America each year. And those who don't buckle up are costing all of us in lost productivity and money.

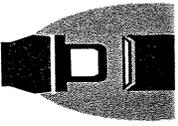
Question: *Haven't public education campaigns done a good job of teaching the younger generation about seat belt safety? Don't we teach teenagers about seat belts and traffic crashes in driver education classes?*

Answer: The facts show that education alone does not convince most young people to buckle up. Seat belt use declines from age five

to about 25. For those at age 18, seat belt use is far below the national average. Why? Young people - especially young men ages 16-25 - simply do not think about being injured or killed. Yet they are the nation's highest risk drivers, with more impaired driving, more speeding and more crashes. For this tough-to-reach group, stronger belt laws, enforcement and the fear of losing their driver license work when neither education nor fear of death or injury does the job.

Question: *Do we really need to make being unbuckled a standard offense? Isn't a secondary law sufficient for unbuckled drivers and passengers?*

Answer: Although most states have a standard law that allows law enforcement officers to stop and ticket a violator for having a broken taillight or for having an expired license tag, not all states have a standard seat belt use law.



Experience has shown that upgrading to a standard enforcement seat belt law results on average in a 17 percentage point increase in seat belt use statewide - an indicator that secondary laws alone are not sufficient.

Myth: *"I'm better off not wearing a seat belt because, in case of fire or submersion in water, I won't be able to escape."*

Fact: Most crash fatalities result from the force of impact or from being thrown from the vehicle, not from being trapped. All studies show you are much more likely to survive a crash if you are buckled in. Ejected occupants are four times as likely to be killed as those who remain inside.

Myth: *"I don't need to wear a seat belt. My car has an air bag."*

Fact: Air bags are supplemental restraints and are designed to be used with seat belts. They help

protect adults in a frontal crash, but they don't provide protection in side or rear impact crashes or in rollovers. Seat belts are needed for protection in all types of crashes and work well with air bags to provide optimum safety. In fact, seat belts help prevent air bag injuries by keeping occupants away from deploying air bags.

Myth: *"I have a right to chose not to wear a seat belt because, if I get hurt, the only one I'm hurting is myself."*

Fact: When someone is injured or dies in a traffic crash, society pays many of the costs, including emergency services, uninsured medical care, tax-supported rehabilitation programs, higher insurance costs, and survivor payments. In addition, a belted driver has a better chance of maintaining control of the vehicle in the event of a crash, protecting passengers and others on the road.

Child Passenger Safety: Closing the Gaps

Children 12 and under should always ride properly restrained in the rear seat. Never place a rear-facing infant or child safety seat in front of an air bag.

Motor vehicle crashes are the leading cause of death for children ages six to 14 years old (based on 1993 figures, which are the latest mortality data currently available from the National Center for Health Statistics).

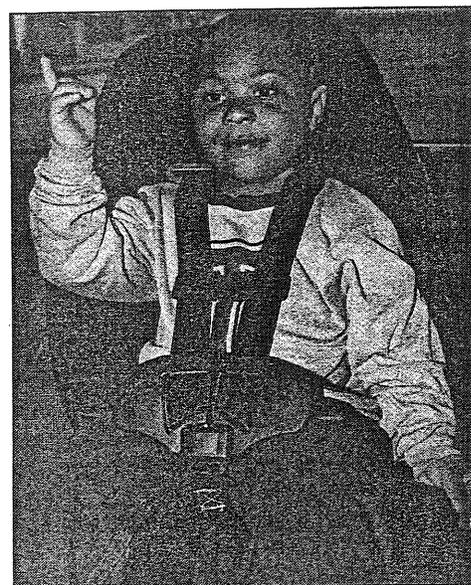
An average of eight children under age 15 were killed and another 980 were injured every day in 1996 on our nation's roadways.

Although all 50 states and the District of Columbia have child safety seat laws (and all employ standard enforcement), 62 percent of the young children involved in fatal crashes are not restrained at all.

Loopholes or gaps exist in many states' laws, leaving many children unprotected. For instance, in a number of states the seat belt use law covers only the front seat and the child restraint law covers only children up to age three. This means no law protects children older than three riding in the back seat. Other states fail to make drivers responsible for children's compliance with the law. And some laws apply only to state residents.

Child passenger safety laws should be strengthened to close these and other gaps. All such laws should include provisions that:

- Require child safety seats for children up to four years of age and 40 pounds;
 - Make the driver responsible for ensuring that children use age- and size-appropriate restraints;
 - Include out-of-state vehicles, drivers and children;
 - Ban passengers from the cargo area of pickup trucks;
 - Eliminate exemptions and medical waivers since today's child restraint systems can accommodate children with almost any type of physical impairment; and
 - Assess a reasonable fine for noncompliance and earmark a portion of the revenues to help support state child passenger safety programs.
- Require all children up to age 16 to be properly restrained in all seating positions;



APPENDIX B

Model Law

Standard Safety Belt Model Law
National Committee on Uniform Traffic Laws and Ordinances
June 16, 1997
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Purpose: The purpose of this legislation is to reduce injuries and fatalities on the streets, roads and highways by requiring all drivers and all passengers to wear safety belts meeting applicable federal motor vehicle safety standards while riding in motor vehicles and by authorizing standard enforcement.

Section 1: Title

This act may be cited as the [state's] Safety Belt Use Act.

Section 2: Definitions

As used in this act:

(a) "Motor vehicle" means any motor vehicle having a gross vehicle weight of 10,000 pounds or less that is required to be equipped with safety belts by Federal Motor Vehicle Safety Standard No. 208. Passenger cars are required to have belts if built after December 31, 1967. Light trucks and multi-purpose vehicles are required to have safety belts if built after December 31, 1971.

(b) "Driver" means a person who drives or is in actual physical control of a motor vehicle.

(c) "Safety belt" means any strap, webbing, or similar device designed to secure a person in a motor vehicle including all necessary buckles and other fasteners, and all hardware designed for installing such safety belt assembly in a motor vehicle.

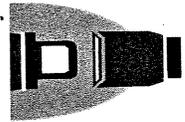
Section 3: Application

This act shall apply to drivers and all occupants of motor vehicles on the streets, roads, and highways of this state.

Section 4: Operation of motor vehicles with safety belts.

(a) Each driver of a motor vehicle in this state shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when operating a motor vehicle.

[(b) Alternate 1 - The driver of a motor vehicle in this state shall not operate a motor vehicle unless the driver secures or causes to be secured in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards all passengers and secures any passenger 12 or younger in the rear seat, unless all available rear seats are in use by other passengers 12 or younger.]



[(b) Alternate 2 - The driver of a motor vehicle in this state shall not operate a motor vehicle unless every occupant is secured in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards and consistent with the [state's] child restraint use law.]

(c) Every occupant of a motor vehicle in this state shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when the vehicle is in operation.

Section 5: Exemptions

(a) The provisions of sections (4) (c) shall not apply to children covered by [cite to the state's child restraint use act or law].

(b) The provisions of section (4) shall not apply to persons with a physically disabling condition whose physical disability would prevent appropriate restraint in safety belts, provided, however, such condition is duly certified by a physician who shall state the nature of the condition, as well as the reason such restraint is inappropriate.

(c) The provisions of this law shall not apply to passenger cars built prior to December 31, 1967 and possessing no safety belts.

(d) The provisions of this law shall not apply to passenger vehicles which are not required to be equipped with safety belts under federal law.

Section 6: Penalties

A person who violates section (4) (a), (b), or (c) of this act shall be punished by a fine of not less than \$25.00 nor more than \$50.00, [and court costs].

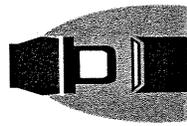
Drafters' Notes: On the Purpose:

In the absence of limitations on enforcement, all laws authorize standard ("primary") enforcement. Consequently, no special language is needed to authorize primary enforcement of safety belt laws.

Secondary safety belt laws uniquely restrict enforcement by specifying that officers may not issue a citation solely for a belt infraction, but also must have another legal reason to stop the vehicle.

This model law is a primary law. Nevertheless, the drafters strongly recommend use of the term "standard safety belt use law" in describing this or any other safety belt law which does not restrict enforcement because the absence of a secondary provision limiting enforcement merely establishes an enforcement standard comparable to other traffic laws.

This model is intentionally silent on the admissibility in civil lawsuits of evidence of noncompliance with safety belt usage requirements.



The drafting committee notes that a number of proposals have been made (and some enacted) which would alter state tort law as applied to lawsuits arising from traffic crashes where potential plaintiffs were not wearing a safety belt. Some of these proposals would require that such noncompliance always be admissible evidence, while others would stipulate that non-compliance with a safety belt law could never be admitted into evidence. The drafting committee believes that no such provision(s) should be included in any safety belt law, and any such provisions now enacted should be repealed, in order to allow the application of traditional state tort law to determine civil lawsuit evidentiary questions.

On Section 4(b)

In the event of a crash, the rear seat is the safer seating position. The drafters recommend language to provide maximum protection to children 12 and under (4(b) Alternate 1). This issue is particularly important in light of injuries and fatalities that have occurred when infants and young children have gotten in the path of an air bag early in its inflation. The risk is greatest for infants in rear-facing child restraints and unbelted children traveling in the front seats of vehicles with passenger side air bags.

On Section 5

Taxicab exemptions are common. The following additional Section 5 (e) is offered to exempt drivers from responsibility for adult passengers but

not for underage passengers. [(e) The provisions of Section (4) (b) shall not apply to taxicab drivers [with regard to passengers age 18 or older]."

On Section 6:

License sanctions (e.g., "points") have been shown to be among the most effective methods of increasing compliance with traffic laws. Survey research has demonstrated that persistent safety belt law violators are unwilling to use safety belts even when high fines are imposed. They report that license sanctions would, however, increase their compliance. The following is offered for those legislators wishing to consider imposition of points or other license sanctions for violators of the Safety Belt Law.

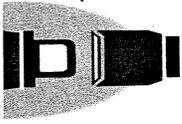
For states with point systems:

"Section 6: (b) A person who violates Section 4 (a) or (b) of this act shall be assessed 2 points."

For states that do not have point systems:

"Section 6: (b) Violation of Section 4 (a) or (b) shall be considered a minor moving offense for the purpose of driver license records."

States may choose to raise the upper limit of the range of fines, but should not consider reducing the lower limit of the range.



APPENDIX C

Transportation Equity Act For the 21st Century

The Transportation Equity Act for the 21st Century (TEA-21) established a new incentive grant program under Section 405 of Title 23, United States Code. Under this new program, States may qualify for incentive grant funds by adopting and implementing effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. The National Highway Traffic Safety Administration (NHTSA) published an interim final rule in the Federal Register on October 1, 1998 (63 FR 52592), implementing this legislation. The regulation will be codified in 23 CFR Part 1345.

A State is eligible for an incentive grant by demonstrating that it has implemented at least four of the following six criteria:

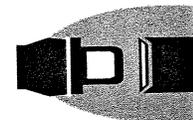
1. **Safety belt use law.** A State must make unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and beginning in fiscal year 2001, in any seating position in the vehicle) does not have a safety belt properly secured about the individual's body.
2. **Primary safety belt use law.** A State must provide for the primary enforcement of its safety belt use law.
3. **Minimum fine or penalty points.** A State must provide for the imposition of a minimum fine of not less than \$25.00 or one or more penalty points on the driver's licenses of an individual:
 - a) For a violation of the State's safety belt use law; and

- b) For a violation of the State's child passenger protection law.

4. **Special traffic enforcement program.** A State must establish a special traffic enforcement program for occupant protection that emphasizes publicity for the program. The program must provide for periodic enforcement efforts. Each enforcement effort must include the following five elements, in chronological order:
 - a) A safety belt observed use survey conducted before any enforcement wave;
 - b) A media campaign to inform the public about the risks and costs of traffic crashes, the benefits of increased occupant protection use, and the need for enforcement as a way to manage those risks and costs;
 - c) Local media events announcing a pending enforcement wave;
 - d) A wave of enforcement effort consisting of checkpoints, saturation patrols or other enforcement tactics;
 - e) A post-wave observed use survey coupled with a post-wave media event announcing the results of the survey and the enforcement effort.

The State's program must provide for at least two enforcement efforts each year and must require the participation of State and local police in each effort. The program must cover at least 70% of the State's population.

5. **Child passenger protection education program.** A State must provide an effective system for educating the public about the proper use of child safety seats. The program must, at a minimum:



a) Provide information to the public about proper seating positions for children in air bag equipped motor vehicles, the importance of restraint use, and instruction on how to reduce the improper use of child restraint systems;

b) Provide for child passenger safety (CPS) training and retraining to establish or update child passenger safety technicians, police officers, fire and emergency personnel and other educators to function at the community level for the purpose of educating the public about proper restraint use and to teach child care givers how to install a child safety seat correctly. The training should encompass the goals and objectives of NHTSA's Standardized Child Passenger Safety Technician Curriculum;

c) Provide periodic child safety seat clinics conducted by State and local agencies (health, medical, hospital, enforcement, etc.); and

d) The State's program activities (with the exception of the training and retraining activities) must cover at least 70% of the State's population.

6. **Child passenger protection law.** The State must make unlawful the operation of a passenger motor vehicle whenever an individual who is less than 16 years of age is not properly secured in a child safety seat or other appropriate restraint system.

A State that wants to apply for an incentive grant should submit an application to the appropriate NHTSA Regional Administrator, demonstrating that it meets at least four of the six criteria listed above, in accordance with the provisions in the agency's implementing regulation.



APPENDIX D

Resources

Federal Resources

National Highway Traffic Safety
Administration
400 Seventh Street, SW
Washington, DC 20590
Phone 800/424-9393 (Auto Safety Hotline)
Web site <http://www.nhtsa.dot.gov>

Regional Administrators

REGION I (CT, ME, MA, NH, RI, VT)
Volpe National Transportation Systems
Center
Kendall Square, Code 903
Cambridge, MA 02142
Phone 617/494-3427
Fax 617/494-3646

REGION II (NY, NJ, PR, VI)
222 Mamaroneck Avenue, Suite 204
White Plains, NY 10605
Phone 914/682-6162
Fax 914/682-6239

REGION III (DE, DC, MD, PA, VA, WV)
10 South Howard Street
Suite 4000
Baltimore, MD 21201
Phone 410/962-0077
Fax 410/962-2770

REGION IV (AL, FL, GA, KY, MS, NC, SC, TN)
Atlanta Federal Center
Suite 17T30
Atlanta, GA 30303
Phone 404/562-3739
Fax 404/562-3763

REGION V (IL, IN, MI, MN, OH, WI)
19900 Governors Drive Suite 201
Olympia Fields, IL 60461
Phone 708/503-8822
Fax 708/503-8991

REGION VI (AR, LA, NM, OK, INDIAN
NATIONS)
819 Taylor Street, Room 8A38
Fort Worth, TX 76102-6177
Phone 817/ 334-3653
Fax 817/ 334-8339

REGION VII (IA, KS, MO, NE)
6301 Rockhill Road, Room 100
Kansas City, MO 64131
Phone 816/822-7233
Fax 816/822-2069

REGION VIII (CO, MT, ND, SD, UT, WY)
555 Zang Street, 4th Floor
Lakewood, CO 80228
Phone 303/969-6917
Fax 303/969-6294

REGION IX (AZ, CA, HI, NV, AMERICAN
SAMOA, GUAM, NORTHERN MARIANA
ISLANDS)
201 Mission Street, Suite 2230
San Francisco, CA 94105
Phone 415/744-3089
Fax 415/744-2532

REGION X (AK, ID, OR, WA)
3140 Jackson Federal Building
915 Second Street
Seattle, WA 98174
Phone 206/220-7640
Fax 206/220-7651

Another federal agency that is a good source
of information is:

National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594
Phone 202/314-6000
Web site <http://www.nts.gov>

State Resources

National Association of Governors' Highway
Safety Representatives
750 First Street, NE, Suite 720
Washington, DC 20002
Phone 202/789-0942
Fax 202/789-0946
Web: <http://www.naghsr.org>



The following are the offices of the governors' highway safety representatives:

**Alabama Department of Economic & Community Affairs
Law Enforcement/Traffic Safety Division**
PO Box 5690
Department of Economic & Community Affairs
401 Adams Avenue, Suite 580
Montgomery, AL 36103-5690
Phone 334/242-5803
Fax 334/242-0712

**Highway Safety Planning Agency
Alaska Department of Public Safety**
PO Box 111200
Juneau, AK 99811-1200
Phone 907/465-4374
Fax 907/463-5860

**Governor's Representative/Commissioner of Public Safety
American Samoa Government**
PO Box 1086
Pago Pago, AS 96799
Phone 011-684-633-1111
Fax 011-684-633-5111

**Governor's Office of Highway Safety
Arizona Department of Public Safety**
3030 North Central Street, Suite 1550
Phoenix, AZ 85012
Phone 602/255-3216
Fax 602/255-1265

**Highway Safety Program
Arkansas Highway & Transportation Department**
PO Box 2261
11300 Baseline Road
Little Rock, AR 72203
Phone 501/569-2648
Fax 501/569-2651

**Office of Traffic Safety
California Business, Transportation, & Housing Agency**
7000 Franklin Boulevard, Suite 440
Sacramento, CA 95823
Phone 916/262-0990
Fax 916/262-2960

**Colorado Office of Transportation Safety
Department of Transportation
Headquarters Complex**
4201 East Arkansas Avenue
Denver, CO 80222
Phone 303/757-9381
Fax 303/757-9439

**Division of Highway Safety
Connecticut Department of Transportation**
2800 Berlin Turnpike
PO Box 317546
Newington, CT 06131-7546
Phone 860/594-2370
Fax 860/594-2374

**Office of Highway Safety
Delaware Department of Public Safety**
PO Box 1321
Dover, DE 19903-1321
Phone 302/739-3295
Fax 302/739-5995

**Transportation Safety Branch
DC Department of Public Works**
2000 14th Street, NW, 7th Floor
Washington, DC 20009
Phone 202/939-8018
Fax 202/939-7185

**Safety Office
Florida Department of Transportation**
605 Suwannee Street, MS 53
Tallahassee, FL 32399-0450
Phone 904/488-3546
Fax 904/922-2935

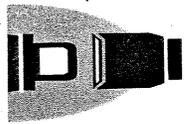
**Georgia Governor's Office of Highway Safety
One Parker Tower**
34 Peachtree Street, Suite 1600
Atlanta, GA 30303
Phone 404/656-6996
Fax 404/651-9107

**Office of Highway Safety
Guam Department of Public Works**
PO Box 2950
Agana, GU 96910
Phone 011-671-646-3211
Fax 011-671-646-3733

**Motor Vehicle Safety Office
Hawaii Department of Transportation**
1505 Dillingham Blvd., Suite 214
Honolulu, HI 96817
Phone 808/832-5820
Fax 808/832-5830

**Office of Highway Safety
Idaho Transportation Department
PO Box 7129**
3311 West State Street
Boise, ID 83707-1129
Phone 208/334-8101
Fax 208/334-4430

**Division of Traffic Safety
Illinois Department of Transportation**
PO Box 19245
3215 Executive Park Drive
Springfield, IL 62794-9245
Phone 217/782-4972
Fax 217/782-9159



Indian Highway Safety Program
Bureau of Indian Affairs
Department of the Interior
505 Marquette NW, Suite 1705
Albuquerque, NM 87102-2181
Phone 505/248-5053
Fax 505/248-5064

Indiana Governor's Council on Impaired and Dangerous Driving
150 West Market Street, Suite 330
Indianapolis, IN 46204
Phone 317/232-4220
Fax 317/232-5150

Governor's Traffic Safety Bureau
Iowa Department of Public Safety
307 East 7th Street
Des Moines, IA 50319-0248
Phone 515/281-3907
Fax 515/281-6190

Kansas Bureau of Traffic Safety
Thacher Building, 3rd Floor
217 SE 4th
Topeka, KS 66603
Phone 913/296-3756
Fax 913/291-3010

Highway Safety Standards Branch
Kentucky State Police Headquarters
919 Versailles Road
Frankfort, KY 40601
Phone 502/695-6356
Fax 502/573-1634

Highway Safety Commission
Louisiana Department of Public Safety
PO Box 66336
Baton Rouge, LA 70896
Phone 504/925-6991
Fax 504/922-0083

Bureau of Highway Safety
Maine Department of Public Safety
164 State House Station
Augusta, ME 04333-0164
Phone 207/624-8756
Fax 207/624-8768

Mariana Island Governor's Highway Safety Representative
Department of Public Safety, CNMI
PO Box 791
Saipan, MP 96950
Phone 670/234-6505
Fax 670/234-8531

Office of Traffic & Safety
Maryland State Highway Administration
7491 Connelley Drive
Hanover, MD 21076
Phone 410/787-5822
Fax 410/787-5823

Massachusetts Governor's Highway Safety Bureau
100 Cambridge Street, Room 2104
Boston, MA 02202
Phone 617/727-5073
Fax 617/727-5077

Michigan Office of Highway Safety Planning
4000 Collins Road
PO Box 30633
Lansing, MI 48909-8133
Phone 517/333-5291
Fax 517/333-5756

Office of Traffic Safety
Minnesota Department of Public Safety
Town Square, Suite 150
444 Cedar Street
St. Paul, MN 55101-2150
Phone 612/296-9507
Fax 612/297-4844

Highway Safety Office
Mississippi Department of Public Safety
PO Box 23039
401 North West Street, 8th Floor
Jackson, MS 39225-3039
Phone 601/359-7842
Fax 601/359-7832

Missouri Division of Highway Safety
1719 Southridge Drive
PO Box 104808
Jefferson City, MO 65110-4808
Phone 573/751-7643
Fax 573/634-5977

Transportation Safety Bureau
Montana Department of Transportation
2701 Prospect Avenue
Helena, MT 59620
Phone 406/444-7301
Fax 406/444-7303

Office of Highway Safety
Nebraska Department of Motor Vehicles
PO Box 94612
301 Centennial Mall South
Lincoln, NE 68509-4789
Phone 402/471-2515
Fax 402/471-3865

Office of Traffic Safety
Nevada Department of Motor Vehicles & Public Safety
555 Wright Way
Carson City, NV 89711-0900
Phone 702/687-3243
Fax 702/687-5328

New Hampshire Highway Safety Agency
Pine Inn Plaza
117 Manchester Street
Concord, NH 03301
Phone 603/271-2131
Fax 603/271-3790



Division of Highway Traffic Safety
New Jersey Dept. of Law & Public Safety
PO Box 048
Trenton, NJ 08625-0048
Phone 609/633-9300
Fax 609/633-9020

Traffic Safety Bureau
New Mexico State Highway & Transportation
Department
PO Box 1149
Santa Fe, NM 87504-1149
Phone 505/827-0429
Fax 505/827-0431

New York State Governor's Traffic Safety
Committee
Empire State Plaza
Swan Street Bldg., Room 521
Albany, NY 12228
Phone 518/474-0858
Fax 518/473-1069

North Carolina Governor's Highway Safety
Program
215 East Lane Street
Raleigh, NC 27601
Phone 919/733-3083
Fax 919/733-0604

Driver Licensing & Traffic Safety
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700
Phone 701/328-2601
Fax 701/328-2435

Office of the Ohio Governor's Highway Safety
Representative
PO Box 7167
240 Parsons Avenue
Columbus, OH 43205-0167
Phone 614/466-7076
Fax 614/466-0433

Highway Safety Office
Oklahoma Department of Public Safety
3223 North Lincoln
Oklahoma City, OK 73105
Phone 405/521-3314
Fax 405/524-4906

Transportation Safety Section
Oregon Department of Transportation
555 13th Street, NE
Salem, OR 97310-1333
Phone 503/986-4192
Fax 503/986-4189

Pennsylvania Bureau of Highway & Traffic
Engineering
PO Box 2047
Harrisburg, PA 17105-2047
Phone 717/787-7350
Fax 717/783-8012

Traffic Safety Commission
Puerto Rico Department of Public Works
Box 41289, Minillas Station
Santurce, PR 00940
Phone 787/723-3590
Fax 787/727-0486

Rhode Island Governor's Office of Highway
Safety
345 Harris Avenue
Providence, RI 02909
Phone 401/277-3024
Fax 401/277-3942

South Carolina Department of Public Safety
Office of Safety & Grants
5400 Broad River Road
Columbia, SC 29210
Phone 803/896-8391
Fax 803/896-8393

South Dakota Office of Highway Safety
118 West Capital
Pierre, SD 57501
Phone 605/773-3178
Fax 605/773-3018

Tennessee Governor's Highway Safety
Program
Department of Transportation
505 Deaderick Street, Suite 600
James K. Polk State Office Bldg.
Nashville, TN 37243-0341
Phone 615/741-7590
Fax 615/741-9673

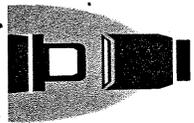
Traffic Operations Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483
Phone 512/416-3167
Fax 512/416-3349

Utah Department of Public Safety
Highway Safety Office
411 West 7200 South, Suite 300
Midvale, UT 84047-1016
Phone 801/225-0573
Fax 801/225-0823

Governor's Highway Safety Program
Vermont Department of Public Safety
103 South Main Street
Waterbury, VT 05671-2101
Phone 802/244-4126
Fax 802/244-1106

Virginia Department of Motor Vehicles
Transportation Safety Office
PO Box 27412
2300 West Broad Street
Richmond, VA 23269
Phone 804/367-8140
Fax 804/367-6631

Governor's Representative
Virgin Islands Office of Highway Safety



Lagoon Street Complex, Fredricksted
St. Croix, VI 00840
Phone 809/776-5820
Fax 809/772-2626

Washington Traffic Safety Commission
PO Box 40944
1000 South Cherry Street
Olympia, WA 98504-0944
Phone 360/753-6197
Fax 360/586-6489

Governor's Highway Safety Program
West Virginia Criminal Justice & Highway
Safety Division
1204 Kanawha Boulevard, East
Charleston, WV 25301
Phone 304/558-8814
Fax 304/558-0391

Bureau of Transportation Safety
Wisconsin Department of Transportation
PO Box 7936
4802 Sheboygan Avenue, Room 809
Madison, WI 53707
Phone 608/266-0402
Fax 608/267-0441

Highway Safety Program
Wyoming Transportation Department
PO Box 1708
Cheyenne, WY 82003-1708
Phone 307/777-4450
Fax 307/777-4250

Private Sector

National Safety Council
Web site <http://www.nsc.org>

Main office:
1121 Spring Lake Drive
Itasca, IL 60143-3201
Phone 708/285-1121

Washington, D.C. office:
1025 Conn. Ave., NW, Suite 1200
Washington, DC 20036-5405
Phone 202/293-2270
Fax 202/293-0032

In addition, two special NSC projects may be of interest:

National Safety Belt Coalition
1025 Conn. Ave., NW, Suite 1200,
Washington, DC 20036-5405
Phone 202/296-6263
Fax 202/293-0032
Web site <http://www.nsc.org/traf/sbc.htm>
E-mail: guzzettc@nsc.org or buckle1up@aol.com

Air Bag and Seat Belt Safety Campaign
1025 Conn. Ave., NW, Suite 1200,
Washington, DC 20036-5405
Phone 202/625-2570
Fax 202/822-1399
Web site <http://www.nsc.org/airbag.htm>
E-mail: airbag@nsc.org

Other private sector organizations

American Automobile Association
1000 AAA Drive
Heathrow, Florida 32746-5063
407/444-7000
Web site <http://www.aaa.com>

American Coalition for Traffic Safety
1110 N. Glebe Road, Suite 1020
Arlington, VA 22201
Phone: 703/243-7501

Insurance Institute for Highway Safety
1005 North Glebe Road, Suite 800
Arlington, Virginia 22201
703/247-1500
Web site <http://www.hwysafety.org>

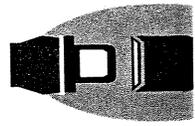
International Association of Chiefs of Police
515 North Washington Street
Alexandria, Virginia 22314
703/836-6767
Web site <http://www.theiacp.org>

National SAFE KIDS Campaign
1301 Pennsylvania Avenue, NW, Suite 1000
Washington, DC 20004
Phone 202/662-0600
Web site <http://www.safekids.org>

National Sheriffs' Association
1450 Duke Street
Alexandria, VA 22314
Phone: 703/836-7827
Fax: 703/683-6541
Web site: www.sheriffs.org

Network of Employers for Traffic Safety (NETS)
1900 L Street NW, Suite 705
Washington, DC 20036
Phone 202/452-6005
Fax 202/223-7012
Web site <http://www.trafficsafety.org>

Transportation Research Board
2101 Constitution Avenue NW
Washington, DC 20418
Phone 202/334-2934
Web site <http://www.nas.edu/trb/>



Acknowledgements:

This manual was developed by the National Safety Council under contract to the National Highway Traffic Safety Administration. Thanks to the persons and organizations that supplied information and assistance, especially the Air Bag and Seat Belt Safety Campaign, the National Safety Belt Coalition, Carolyn Hanig, the Insurance Institute for Highway Safety and the National Committee on Uniform Traffic Laws and Ordinances.

¹ Buckle Up America action kit, National Highway Traffic Safety Administration, September 1997.

² Ibid.

³ Safeguarding the Motoring Public: The Case for Strengthening Occupant Protection Laws, National Safety Council/National Safety Belt Coalition, 1996.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Safeguarding the Motoring Public

⁸ Total Cost to Employers by State and Industry, National Highway Traffic Safety Administration, December 1996.

⁹ Ibid.

¹⁰ Safety Belt Use Laws: An Evaluation of Primary Enforcement and Other Provisions, National Highway Traffic Safety Administration, 1995.

¹¹ Safety Belt Use Laws.



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF THE SECRETARY
P. O. Box 7910
Madison, WI 53707-7910

May 17, 1999

Senator Gary George
State Capitol, Suite 118S
P.O. Box 7882
Madison WI 53707

Dear Senator George:

Wisconsin recorded a tragic 709 traffic fatalities in 1998 and sadly many of these fatalities could have been prevented if only the occupant was wearing a seatbelt. In fact, there is a good chance that someone you know will be involved in a motor vehicle crash this year and they are 50 percent more likely to be injured or killed if they are not buckled up.

"Seatbelts Save Lives" is more than just a highway safety slogan, it is a highway safety reality. Unfortunately, not enough drivers and passengers heed the seatbelt message, resulting in consequences that have been nothing short of tragic.

The enclosed report and news release indicates that after 12 years of experience with Wisconsin's mandatory seatbelt use law, nearly 2 out of every 5 motorists still do not wear their seatbelts. There are still simply too many people putting themselves in harm's way by not buckling up.

The Wisconsin Department of Transportation has worked diligently during the past 12 years to successfully promote increased seatbelt use through a variety of public and law enforcement education efforts. However, the results of our efforts have been frustrating as seatbelt usage continues to hover around the 60 percent mark. Even more frustrating is the knowledge that without higher seatbelt usage rates more citizens will be seriously injured or killed for reasons that could have been prevented.

Experience in other states clearly indicates that giving law enforcement officers the ability to stop a motor vehicle when they notice an occupant not wearing a seatbelt can increase overall belt use to more acceptable, life saving levels. For that reason, I fully support Senate Bill 50. I encourage you to do likewise. It is a matter of common sense and is simply the right thing to do.

Sincerely,

Charles H. Thompson
Secretary, Wisconsin Department of Transportation



WISCONSIN LEGISLATURE

P.O. Box 7882 • Madison, WI 53707-7882

January 22, 1999

TO: All Legislators
FROM: Senator Fred Risser and Representative Jeff Stone
RE: Seat belt compliance and enforcement

We will be introducing legislation that will allow law enforcement officers to enforce our seat belt law as a primary violation. **If you would like to co-sponsor this bill, please contact either of our offices (Risser 266-1627) (Stone 6-8590) by February 12, 1999.**

Wisconsin law does not allow law enforcement officers to stop a motorist and issue a ticket for not wearing their seat belt, unless they are stopped for another traffic offense. This proposal will allow officers to issue tickets for noncompliance of our seat belt law, as a primary or singular offense.

Seat belt usage must be encouraged, and this bill will help.

Currently only 61.7% of Wisconsin motorists use their seat belts. This is less than the national average of 68% and considerably less than the usage rate in states with this enforcement law (71%).

Fourteen states, and the District of Columbia have already enacted this legislation. Preliminary studies have shown that in these states, seat belt usage has increased, and traffic deaths have decreased. Furthermore, nationwide research shows that when an adult driver is buckled up, child restraint use is 94%, but when a driver is unbuckled, child restraint use drops to only 30%.

This measure is supported by AAA Wisconsin, Milwaukee Safety Commission, Mothers Against Drunk Driving, Professional Fire Fighters of Wisconsin, Inc., State Farm Insurance, Wisconsin Emergency Nurses Association, Wisconsin Sheriffs and Deputy Sheriffs Association, Wisconsin Safety Officers, Wisconsin Association of Women Highway Safety Leaders, Wisconsin Safe Kids, Wisconsin State Medical Society, Wisconsin Chapter American College of Emergency Medicine, Wisconsin EMS Association, Alliance of American Insurers, Ford Motor Company, and Wausau Insurance.

Analysis by the Legislative Reference Bureau

This state requires the use of safety belts in certain motor vehicles. Under current law, with specific exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a safety belt and unless he or she reasonably believes that each passenger between the ages of four and fifteen years old is properly restrained by a safety belt. No person who is at least four years old may be a passenger in the front seat of a motor vehicle unless that person is properly restrained by a safety belt. Current law prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with safety belt use requirements, but an officer may issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of those requirements.

This bill authorizes a law enforcement officer to stop or inspect a vehicle solely to determine compliance with safety belt use requirements.

The bill also increases the penalty for violating this state's laws requiring the use of safety belts from \$10 to \$25 for a first offense and to not less than \$50 nor more than \$75 for the second and each later offense committed within three years.

MEMORANDUM

DATE: 3/08/998
TO: GRG
FROM: DR
RE: Meeting with Michael Brozek, Barb Linton & Dr. Steven Hargarten
(Chair, Wis. Safety Belt Coation)

Background

I met on Friday (3/5/99) with the above regarding their legislative agenda (SB 50 and AB 143). These bills provide for primary enforcement of the seat belt law and increase the forfeiture for a seat belt violation from \$10 to \$25.

Senate Bill 50 is in the Senate Committee on Judiciary & Consumer Affairs. They were visiting the offices of members and wanted to make sure they dropped off the same information packet with the chairman's office as with the other members. (They acknowledge that additional individuals will be joining in the lobbying effort.)

Talking Points

Dr. Hargarten indicated that seat belt usage saves lives in the older patient population. In addition, seat belt usage by older adults helps to influence children to wear seat belts.

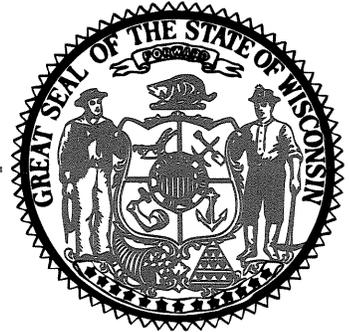
Children of minority groups are disproportionately affected by auto accident injuries. They tend to suffer more serious injuries, which may be partly attributable to lack of seat belt usage.

Dr. Hargarten acknowledged that police harassment or "driving while black" issues would need to be addressed but asked that these issues be separated from the basic socio-medical goal of increasing seat belt usage.

Mike Brozek and Barb Linton suggested that would like some time to develop testimony, prepare witnesses, etc. before a hearing is held. They asked if we could provide them with some advance notice before a hearing on SB 50 is scheduled.

Please let me know if you have any questions.

FRED A. RISSER
President
Wisconsin State Senate



April 15, 1999

TO: Senator Gary George, Chair
Senate Committee on Judiciary and Consumer Affairs

FROM: Senator Fred Risser

RE: Senate Bill 50, relating to primary enforcement of safety belt laws

I would appreciate your consideration in scheduling Senate Bill 50, relating to enforcement of safety belt laws, for a public hearing at one of the next committee meetings.

This bill would allow traffic officers to enforce the seat belt requirements as a primary violation. As you know, currently, they may only issue a ticket for this offense as a result of being stopped for some other traffic offense.

The reason for primary enforcement, is to increase seat belt usage, which in turn saves lives and reduces serious injuries from traffic accidents. The fourteen states and the District of Columbia that have primary enforcement laws have increased seat belt usage on average by 15 percentage points.

Thank you for your consideration of this important measure.

FAR:lt

Encl.

- Would like to discuss @ next Jud. Meeting next week.

State of Wisconsin



GARY R. GEORGE
SENATOR

MEMORANDUM

TO: Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Senator Gary R. George, Chair
Senate Committee on Judiciary and Consumer Affairs

DATE: August 25, 1999

RE: Background Information for September 1, 1999 Hearing

Attached please find memos prepared by our Legislative Council Attorney Ron Sklansky, regarding items that are on the agenda for the September 1, 1999 hearing.

To clear up any misunderstanding, the Senate Committee on Judiciary and Consumer Affairs will hold two hearings on the child custody and placement provisions in the budget.

The first of these hearings will be Wednesday September 1, 1999 at 9:30 a.m. in Room 201 South East. Also on the agenda for that meeting will be a hearing on flag desecration legislation (AB 79 and SB 16) and an executive session on the seat belt bill (SB 50).

The second of these hearings will be a joint hearing with the Assembly Committee on Children and Families and the Assembly Committee on Family Law. It will be held Thursday, September 2, 1999 at 9:00 a.m. in the GAR Room (417 North). The only item on the agenda for this second hearing is the child custody and placement language in the budget.

I hope you find the attached memos to be useful and that this explanation clears up any questions you may have regarding the committee's schedule.

To: Michael Brozek
From: Lynn Sherman
Date: May 24, 1999
Re: May 25 SB 50 Hearing

The following order for testimony was discussed last week at our conference call. I am not sure whether other individuals will come to the hearing and plan on testifying.

- 1) Senator Risser
- 2) Physician Panel
 - Stephen Hergarten, MD, Emergency Medicine Specialist, Froedtert Memorial Lutheran Hospital, and Chair, Wisconsin Safety Belt Coalition as well as Chair, State Medical Society Council on the Health of the Public
 - Edward Callahan, MD, Emergency Medicine, Mercy Hospital, Janesville and member, State Medical Society Council on the Health of the Public
 - Frank Salvi, MD, UW Hospitals and Clinics, Physical Medicine and Rehabilitation Specialist
 - Michael Ward, MD, UW Hospitals and Clinics, Physical Medicine and Rehabilitation (Dr Ward is currently providing care for a few of the Janesville van crash victims)
- 3) Wisconsin Department of Transportation: John Evans, Director, Bureau of Transportation Safety
- 4) Law Enforcement Representatives
 - Madison Police Chief (Chief Jones) or his representative
 - State Patrol Representative (Robert Young?)
 - Stan Patocki, Portage County Sheriff
- 5) Mothers Against Drunk Driving - Kristine Wegner, Executive Director of MADD Wisconsin
- 6) Peggy Beuthin and her son - from Berlin Wisconsin. Peggy's son was in a serious crash and will talk about how his seat belt saved his life.
- 7) Insurance Representatives???

MEMORANDUM

DATE: 5/24/99
TO: GRG
FROM: DR
RE: Background/Briefing on Selected Items Scheduled for
May 25, 1999, Judiciary Committee Hearing

SB 50 -- Seat Belt

Mike Brozek faxed over a list of the witnesses his group intends to call. Most of them will appear as part of various panels. Sen. Risser intends to appear.

AB 45 -- Gun Hotline

Rep. Kelso intends to appear. I expect someone from the Attorney general's office will appear and will urge that the hotline be housed in the handgun hotline rather than the drug tipline. (The handgun hotline is open longer hours and their personnel is more familiar with weaponry that the drug hotline people are.)

SB 30 /AB 108 -- Placement and Visitation for the Murder of a Child's Parent

Sen. Darling intends to appear. (Rep. Montgomery, the Assembly author, may appear.) I expect several family members of deceased parents will want to testify.

I am aware of a couple of proposed amendments:

- Sen. Darling will offer (or at least mention) an amendment that she has worked out with the State Bar Family Law Section. A similar amendment will be offered to the Assembly bill.

(Under the engrossed bill, the court is generally prohibited from granting visitation or placement rights, but may grant these if the child wishes to have visitation or placement rights, is mature enough to make that decision and it would be in the child's best interests. The amendment would allow the court to order visitation or placement rights if it determines by clear and convincing evidence that it would be in the child's best interests. The court would be required to consider the wishes of the child in making that determination.)

- Sen. Clausen will offer (or at least mention) an amendment that would cover those who solicit others to kill a child's parent (commit first-degree homicide).