

## Primary Enforcement of Seat Belt Laws Increase Belt Use Decrease Crash Fatalities and Injuries

Safety belt usage is much higher, on average, in States that allow primary enforcement of their belt use laws. Recent experience with upgrades from secondary to primary enforcement in California and Louisiana provides strong evidence of the benefits of switching to primary enforcement.

**Definitions: Primary Enforcement:** A citation can be written whenever a law officer observes an unbelted driver or passenger.

**Secondary Enforcement:** A citation can only be written after an officer stops the vehicle for some other infraction.

### Higher Belt Use Rates

- States with primary laws averaged 14 percentage points higher belt use than those with secondary laws (75 versus 61 percent), as of December 1995.
- California's statewide driver belt use increased from 70 percent in 1992 with a secondary enforcement law to 83 percent in late 1993 after the state changed to primary enforcement.
- Driver belt use increased nearly 18 percentage points in six California cities NHTSA studied—an increase almost identical to that which occurred in those same cities when the secondary enforcement law was first adopted in 1986.
- The Insurance Institute for Highway Safety also reported that Los Angeles driver and front seat passenger use increased from 56 to 76 percent, with similar gains found in Sacramento, San Francisco, and San Diego.

- Driver and front seat passenger belt use in five Louisiana cities increased from 52 percent during the fall of 1994 under secondary enforcement to 68 percent during the spring of 1996 under primary enforcement. (The effect on statewide use will not be available until late 1996.)

### Greater Fatality Reduction

- During the first full year after enforcement of their belt laws began in five primary and eleven secondary law states, fatality rates dropped 20 percent in the primary states versus 8 percent in the secondary states for persons over age 21.
- During the same period, for persons age 21 and younger, there was a 23 percent reduction in fatality rates in the primary states versus a 3 percent reduction for that age group in the secondary states.

Primary enforcement sends motorists a clear message that the state considers belt use mandatory for the safe operation of a motor vehicle. In a public opinion survey in Michigan in 1988, 68 percent reported that their belt use would increase if the police could pull them over just for not using their seat belt—in the same manner as speeding violations.

Surveys of public opinion suggest that while a substantial proportion of the population does not always support primary laws prior to their enactment, a large majority supports them after enactment—even where enforcement agencies intensify enforcement efforts.

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**California and Louisiana:**

California has had over three years of experience with the upgrade to primary enforcement and Louisiana has had one. In both states there has been no significant adverse public or official reaction to the change, and no increase in enforcement intensity.

**North Carolina:**

After statewide enforcement and publicity efforts in October 1993 and July 1994 (with 6,364 checkpoints, 58,883 belt and 3,728 child seat citations), statewide belt use rose from 65 percent to 81 percent. A phone survey revealed that 85 percent were aware of the effort and 87 percent supported it.

**National:**

In a 1991 national phone survey, 73 percent said they would support primary legislation in their state if they knew it would result in more safety belt use and more lives being saved.

**In attitude surveys, officers consistently preferred primary laws and reported that a secondary enforcement law is a major deterrent to issuing citations.**

- Traffic and patrol officers in each of the six California cities NHTSA studied favored the change to primary enforcement. Most officers felt that it communicated to motorists both the need for using belts and the possibility that an enforcement action might be taken.
- In a 1986 Michigan State University study, both patrol officers and police administrators indicated that primary enforcement would result in a higher priority being given to belt law enforcement.

**Various groups, organizations and policy advisors have studied the issues pertaining to the effectiveness of belt laws and have made the following recommendations concerning primary enforcement.**

■ A U.S. General Accounting Office report, *Highway Safety: Safety Belt Use Laws Save Lives and Reduce Costs to Society (1992)*, encouraged states to upgrade their laws to achieve the additional savings possible with comprehensive, well enforced laws. Primary enforcement was specifically mentioned as a priority upgrade.

■ A National Research Council Committee Report, *Safety Belts, Airbags and Child Restraints (1989)*, recommended further research on the question: "Are some state laws ineffective because of secondary enforcement?"

■ A National Committee for Injury Prevention and Control report, *Injury Prevention: Meeting the Challenge (1989)*, recommends: "All states should enact and enforce a primary enforcement safety belt use law. States with secondary enforcement should amend the laws to allow for primary enforcement."

■ The National Transportation Safety Board issued a Safety Recommendation on June 20, 1995 which recommends "that States and the District of Columbia that have secondary enforcement of mandatory safety belts use laws and the States without mandatory use laws: Enact legislation that provides for primary enforcement of mandatory safety belt use laws. Consider provisions such as adequate fine levels and the imposition of driver license penalty points."

In their 1996 report, *Motor Vehicle Safety: Comprehensive State programs Offer Best Opportunity for Increasing Use of Safety Belts*, the U.S. General Accounting Office listed primary enforcement, along with broader vehicle coverage and aggressive enforcement, as priority state needs for substantial further increases in safety belt use.

**Urge Parents To Carry Children In The Rear Seat**

- *The rear seat is the safest place for children of all ages.*
- *Infants (less than one year of age) should never be carried in the front seat of a car or truck with a passenger-side air bag.*
- *Infants must always ride in the rear seat, facing the rear of the car.*
- *Children should not ride with the shoulder belt tucked under their arm or behind their back.*
- *Make sure everyone is correctly buckled up. Unbelted, or improperly belted occupants can be hurt or killed by the deploying air bag.*

*These reports and additional information are available through your State Office of Highway Safety, the NHTSA Regional Office serving your state, or from NHTSA Headquarters, Traffic Safety Programs, NTS-10, 400 Seventh Street, S.W., Washington, D.C. 20590.*