

Legislative History of Recent Primary Safety Belt Laws

**California
1992**

**Maryland &
District of Columbia
1997**

**Oklahoma
1997**

**Louisiana
1995**

**Georgia
1996**



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| 16. Abstract This document summarizes the strategies that supported or opposed new legislative provisions and the barriers encountered in modifying safety belt laws prior to December 1997. This study developed legislative analyses of six jurisdictions that upgraded their secondary safety belt laws to primary standard ones: California, Louisiana, Georgia, District of Columbia, Maryland and Oklahoma. In-depth interviews were conducted to elicit the legislative histories of the political process and to identify the roles of key players, including insights from legislators, lobbyists, coalition leaders, law enforcement officials and media representatives. No single, generalizable strategy emerged, yet the jurisdictions faced similar barriers. Two key opposition arguments regarded the potential for minority harassment and the infringement on individuals' rights. Key legislative participants included: the Governor, the legislation sponsors, committee chairs and a variety of coalition members. NHTSA played a support role in bringing together coalitions and providing statistics and data. Conclusions include the importance of clarifying the overall legislative objective, identifying barriers not directly related to overt opposition, implementing a variety of useful legislative techniques, identifying opportunities for organizations/ individuals to play effective roles, and capitalizing on dramatic incidents which affect political will. Report includes program and research recommendations. | | | |
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Executive Summary

In 1997, President Clinton, Secretary of Transportation Rodney Slater, and National Traffic Highway Safety Administration (NHTSA) Administrator Ricardo Martinez, M.D., set an ambitious goal for a national initiative to increase safety belt use to 85% of all Americans by the Year 2000 and to 90% by the Year 2005. NHTSA developed a multifaceted campaign, *Buckle Up America*, to reach those increased safety belt use goals through a variety of methods.

State legislation has been influential in significantly increasing belt use to 69% nationwide, from 15% before belt use laws were enacted. For secondary law states — where police need an additional infraction to stop an unbelted driver — the most important and cost-effective factor in increasing use rates has been the recent upgrading to “primary” or “standard” belt laws — where police may stop a driver who is unbelted. In three states that recently moved to primary belt laws, belt use increased by 8 to 17 percentage points.

States that have introduced primary safety belt bills in their legislatures have encountered formidable challenges. Documented safety benefits of belt use in crashes, the disproportionate costs of crash injuries to unbelted occupants, and the public acceptance of belt laws have simply not been sufficient arguments to achieve passage in all jurisdictions.

NHTSA sponsored a study to document strategies that supported or opposed new legislative provisions and the barriers encountered in modifying safety belt laws. This study focused on developing legislative analyses of six jurisdictions that have recently upgraded their secondary safety belt use laws to primary ones: California, Louisiana, Georgia, the District of Columbia, Maryland, and Oklahoma. The legislative processes and the perspectives of individuals involved in those processes, at all levels, were explored. In-depth interviews and meetings were conducted in order to elicit the legislative histories of the passage of primary belt laws and the roles of key players, including insights from legislators, lobbyists, coalition leaders, law enforcement officials, and media representatives.

NHTSA's objectives for this study were to:

- Document the roles, strategies, resources, and arguments used in efforts to pass primary safety belt laws prior to December 1997.
- Compare the findings and conclusions among the states with new primary laws, in order to anticipate legislative efforts and politics which might occur in other jurisdictions considering primary safety belt legislation.

While all six jurisdictions removed the pre-existing “secondary enforcement” provision from their safety belt laws, other modifications to these laws varied. Most of these jurisdictions passed primary laws without upgrading their secondary law provisions for coverage or sanctions. Oklahoma lowered its fine for violations, and Louisiana dropped costly court fees. However, California expanded coverage to the state's millions of pickup trucks and the District of Columbia adopted the country's most comprehensive language, including provisions raising fines to \$50 and imposing a sanction of two points on a driver's license record. The District's law is the only belt law in the U.S. that mirrors the major provisions of the “Model Safety Belt Law” recommended by the National Committee of Uniform Traffic Laws and Ordinances (NCUTLO).

Several states added non-belt related compromise provisions to win legislators' support for the primary enforcement provision, including a “sunset provision” to limit the bill's life and anti-harassment language to address minority concerns.

Research Findings

Overall, the experience in the six jurisdictions studied illustrated the complexity of the legislative process: no single, generalizable strategy emerged, yet the barriers had common and consistent themes. While each jurisdiction's political situation demanded a unique solution and response to opponents' positions, a mix of common elements and strategies were effective in passing legislation.

The Formation of a Broad-Based Coalition of Advocates for Belt Legislation

Coalition formation was a basic, widespread early step toward successful law making. In each of the jurisdictions studied, a coalition, or group of individuals and organizations working actively in support of safety belt issues, impelled legislative action.

The Adoption of a Multi-Year Perspective

In most jurisdictions, a multi-year perspective influenced the focus of the primary enforcement legislation. Supporters of primary belt laws realized that it might take several years to pass a primary law and additional years to strengthen the provisions. The general legislative approach was to make whatever compromises were required to secure primary law status, adding only politically necessary provisions that addressed opponents' concerns, rather than to lobby for a variety of upgraded provisions as recommended in NCUTLO's Model Safety Belt Law.

Legislative activists recognized the need to consider a wide range of political priorities, including the Governor's agenda, the control over the committee assignments, and the mix of traffic safety legislation proposed in a given legislative session. Coordination of efforts was an extremely important component in assuring that when "the stars were in alignment," the legislation was positioned to move forward.

In most jurisdictions that passed the primary enforcement standard, "clean up" legislation in following legislative sessions was introduced, and typically passed, to broaden the law's application. Potentially contentious objections were minimized by initially focusing on primary enforcement, with exemptions left standing from the secondary law for particular vehicle classes (e.g., pickup trucks) and seating positions (e.g., applying to front seat passengers only). Given the political context in most of the jurisdictions studied, sources indicated that raising fines would heighten opposition to the passage of the safety belt bill; with the exception of the District of Columbia, no other jurisdiction increased the pre-existing fine level or assigned points for violations.

Overcoming Barriers to Passage of Primary Belt Laws

In the jurisdictions studied, there was little organized opposition to safety belt legislation. Although coalition members anticipated organized opposition from groups such as ABATE (American Bikers Aimed Toward Education) and anti-gun control activists, those groups played minimal roles in opposing the legislation.

Concerns were typically expressed by individual legislators, not organizations. In many cases, the legislators' opposition was not shared by their constituents. Where there was opposition, two arguments were central to objections to the legislation: the potential for minority harassment and the infringement on individual rights. These opposition concerns were addressed in a variety of ways.

To address minority harassment concerns:

- Minority legislators, civic leaders and government officials publicly and actively supported and sponsored the legislation.
- Senior law enforcement officials publicly promised equitable enforcement.
- A civil liberties provision was added to several bills to explicitly address harassment concerns. The inclusion of this provision heightened awareness that the potential for harassment would be closely monitored.
- A “sunset provision” was added to one bill; i.e., the law would expire at a specific time unless reenacted. This provision was effective because it freed concerned legislators to vote for the bill, yet provided a mechanism to readdress issues if harassment concerns were justified.

To address government intrusion concerns:

- Statistics were cited indicating that reduced public health costs due to increased belt use could lead to lower tax burdens, which in, turn, would maximize individual freedom by minimizing government interference through taxation.
- The public value of saving lives was argued to be a higher priority and good public policy.

In addition, generalized opposition to the legislation was overcome with a variety of law-making techniques, including:

- The use of “horse-trading” legislative measures as a tool for compromise. In one state, for example, legislators in support of higher speed limits, yet opposed to safety belt legislation, generated support for the speed limit increase by supporting the safety belt initiative.
- The use of political power by supportive legislators to generate support for the bill. In several jurisdictions, legislators originally opposed to safety belt legislation remained silent during debates or initial vote counts, changed their votes or abstained from voting due to the influence of key committee chairs and/or legislative sponsors. Due to the committee chair/sponsors’ ability to wield control over legislators, opposing the legislation was not considered politically prudent.

Legislative Participants

Given the complications in the political process, it was essential that the key players understood the pressures and priorities of others involved legislatively. An overview of the parties who played key roles in the passage of the primary legislation follows.

Governor

The Governor’s political support for, or tacit acceptance of, the primary safety belt legislation was necessary to move the legislation forward. The Governor’s promise not to veto the bill was crucial to lining up broad-based legislative support: no legislator wanted to fight for passage through both houses only to face the Governor’s veto. In addition, the resources controlled by the Governor’s Highway Traffic Safety Office were not available until the Governor signaled approval for the initiative.

Legislation Sponsors

Effective legislation sponsors were able to wield power and maintain good relationships with those in the Governors' offices. Powerful, charismatic legislators with standing in the minority community, appropriate committee assignments, and personal interest in the success of the safety belt legislation were the most effective.

Committee Chair

The ability of the Committee Chair to move the primary belt bill out of its assigned committee was, in most states, the key challenge to its passage. The assignment of the bill to a committee with a supportive Committee Chair was a crucial component of effective legislative strategy.

Law Enforcement Officials

Jurisdictions that passed primary safety belt legislation had varying levels of involvement from law enforcement officials. In all cases, legislators looked to law enforcement officials to validate the importance of the primary law's passage. Key issues that law enforcement officials addressed were the impact of the legislation on lowering the death rate, the promise that harassment would not be tolerated, and the need to eliminate the aberration of secondary enforcement, a unique limit among traffic laws.

Statewide Traffic Safety Groups

Often described as the "grassroots" component of the legislative process, these groups provided organized constituent voices and frequently had long-term vested interests in state and local political processes. These groups, in many cases, had been the principal force behind the passage of the secondary safety belt laws and had extensive experience with specific legislators on their state's traffic safety issues.

National Safety Advocacy Groups

In the three most recent case study states, national advocacy groups had important roles to play in terms of resource management and institutional experience and they infused statewide coalitions with skill and money. National advocacy groups were also able to connect local groups with allies in national special interest groups who could provide additional support, resources and insight.

In a few jurisdictions, the interaction between state and national groups negatively affected the political process. Local advocacy groups expressed concern that national organizations ignored the local groups' experience and stature within the state and dismissed their insights on media use. National groups expressed their belief that their experience and funding enabled them to direct the state strategy more effectively. In the few states where conflict arose, the tension and the perceived mutual lack of respect exposed in these differing views made managing the legislative process more difficult.

Lobbyists

Lobbyists played key roles in the passage of several primary safety belt laws. Their influence, sometimes as a result of a close relationship with specific legislators, and the resources at their disposal, generated the legislative breakthroughs necessary to move the legislation out of committee or to a floor vote.

Lobbyists and coalitions at times came into conflict over the legislative strategy employed. Coalitions were concerned that lobbyists were willing to negotiate on issues that they found unacceptable. The lobbyists felt constrained in their ability to broker a deal they believed would facilitate passage. When the coalition point person was able to set clear negotiating parameters and monitor the lobbyists' efforts, the legislative process was least problematic.

Media

Media involvement in public information and education efforts played an important role in generating broad-based public support for the enforcement of safety belt laws, but was not directly relevant to the internal political processes. While positive media coverage helped to provide "political cover" for legislators to act in support of safety belt legislation, in general, legislators did not believe that their efforts — either in support or in opposition — were helped by media coverage during the session.

NHTSA

Each jurisdiction studied was sensitive to Federal involvement, given that government intrusion was a key opposition concern. Within these jurisdictions, NHTSA was perceived as playing an effective support role. NHTSA's role, in some jurisdictions, was limited to providing statistics that compared and contrasted safety belt use and crash-related costs in some areas. In others, legislation supporters drew upon a wider range of national expertise. At the specific request of state officials and legislators, personal visits and testimony from NHTSA officials, as well as solicited letters and phone calls from headquarters and regional staff, were occasionally effective in consolidating support.

Conclusions

In each jurisdiction, the legislative history illustrated the complexity involved in passing legislation. The ability to recognize and to capitalize on opportunities when they arose was crucial to the effective management of the legislative process. In some jurisdictions, safety belt legislation passed in a session in which its supporters did not anticipate passage; in other jurisdictions, the legislation failed in a session in which passage was expected. These experiences — and the effects they had on the process — led to the following conclusions and recommendations:

Clarify the Overall Legislative Objective

In the jurisdictions studied, the focus of the legislation was to adopt primary enforcement. With that focus, vehicle class exemptions, passenger seating exemptions, and low fines were typically considered acceptable compromises.

In circumstances where the objective was not clear, miscues and misdirection on acceptable areas of compromise caused friction between supporters.

Understand the Unique Complexity of the Political Situation in the State

No simple, single strategy was effective across jurisdictions. Politically astute legislative advocates were able to capitalize on opportunities as they arose. To effectively influence the legislative process, supporters and opponents of the legislation had to understand who the players were and what leverage was available. Activists had to see the big picture, know the strategies and tactics of each side, and understand the history and context in which this specific legislation played out. The

Governor's agenda, legislative experience with prior traffic safety initiatives, competing legislation, and powerful, charismatic individuals in support of or opposition to the bill all had direct impact on the ability to enact a primary safety belt law.

Identify and Respond to Opposition Arguments

Legislative opposition was primarily fueled by concerns related to the potential for the harassment of minorities and government infringement on individual rights. This opposition was typically voiced by outspoken individuals and groups that represented a narrow range of public opinion. By understanding opposition arguments and motivations, supporters were able to identify opportunities for persuasive compromise and/or vote-changing leverage. The responses to these concerns included the promise by senior law enforcement officials of equitable enforcement, the inclusion of a sunset provision, the careful crafting of the bill's language to recognize harassment concerns, and statistics illustrating the amount of lives and tax dollars saved through the use of safety belts.

Identify Barriers Not Directly Related to Overt Opposition

In many cases, prior failed attempts to pass primary legislation had little to do with organized opposition and more to do with poor political timing or strategy. In some cases, the assignment to a particular committee whose chair was not a strong supporter of traffic safety measures was enough to stymie legislative efforts. In other cases, the priorities of the Governor's agenda determined whether any traffic safety measure would be considered during a session.

Implement a Variety of Legislative Techniques That Proved Useful

Approaches that worked in some states did not work in others. In order to be successful, strategists had to be cognizant of emerging opportunities and threats. In some situations, trading support for other pending legislation was effective; in others, crafting legislative compromises, e.g., sunset provisions or low fines, was effective.

Identify Opportunities for Organizations and/or Individuals to Play Effective Roles

Effective coalitions were able to identify when, and in what way, a coalition partner could be useful. At times, having the lobbyist with the right relationship with the right legislator was crucial to moving the legislation out of committee. At other times, having senior law enforcement officials directly address specific concerns was essential. National organizations were, at times, able to share other states' experiences and provide funding that enabled coalitions to maximize their efforts based on that experience.

Capitalize on Dramatic Incidents Which Affect Political Will

High visibility, dramatic events helped to mobilize support for the legislation. In several states, a key legislative player's experience in a car crash affected that individual's political commitment, either intensifying or generating support for the primary legislation. In other states, individuals who suffered losses as a result of not buckling up became persuasive spokespersons because they could put a face on the consequences. For some legislators, information such as statistics and names of individuals killed from their home district was the most persuasive.

Recommendations for the Future

Additional research into the impact on compliance of a variety of legislative options would help to maximize the effect of safety belt legislation. Determining the mix of sanctions (e.g., fine levels, points assessed) and exemptions (e.g., seating positions, vehicle class) that would increase seat belt use, but not deter enforcement, is crucial to reaching the goal of 85% compliance by the Year 2000.

While the focus of the recent legislation was to raise the standard of enforcement, further research is necessary to identify combinations of legislative provisions that would increase compliance. For example, some behavioral research has shown that seat belt use might increase if fines increased and penalty points were assessed. However, this study found that in many jurisdictions, the primary law would not have been passed if fines were increased and penalty points were assessed. Additional research could provide insight into the compromises necessary to pass an upgraded primary law.

Providing research-based training and insights to states in the midst of safety belt legislative efforts may help to maximize the results of those efforts. In addition, documenting the history of post-primary belt law upgrade provisions might provide insights into the process of developing effective belt use laws.

Research examining the legislative process in states where concerted belt efforts have failed would identify additional barriers to passage, including different opposition strategies. Selective legislative histories might be conducted in states that have tried unsuccessfully to pass primary belt laws, for example, against the opposition of a Governor, a committee chair, an organization like American Bikers Aimed Toward Education (ABATE), or other obstacles not encountered in this project.

Research exploring the generalizability of the experience in safety belt legislation may provide information that is useful for other traffic safety initiatives.

Research exploring the successes and failures of various state-level belt law coalitions, in terms of participant mix, leadership, funding, volunteer use, multi-year cohesion and other key characteristics might help to maximize coalitions' effectiveness.

A Final Note

In sum, there are significant challenges in passing legislation strong enough and soon enough to achieve the target safety belt usage rates of 85% in 2000 and 90% in 2005. Adopting primary enforcement provision will be the key law-making foundation for likely increases.

I. INTRODUCTION

A. Background

Motor vehicle crashes continue to exact a heavy toll on unbelted vehicle occupants. Compared to the general population, unbelted drivers are over represented in crashes and fatalities. The medical costs of unbelted drivers of crash vehicles are significantly greater than for belted drivers. The use of safety belts in vehicles is one of the most effective ways to prevent serious crash injuries and fatalities.

State legislation has been influential in significantly increasing belt use to 69% nationwide. For secondary-law states (those where police cannot stop a driver just because he or she is unbelted), the most important and cost-effective factor in increasing use rates has been the recent upgrading to primary or "standard" belt laws. Primary belt laws are those in which police can stop a driver because he or she is unbelted. Belt use increased by 8 to 17 percentage points in the first three states that upgraded. As of January 1998, 13 jurisdictions plus the District of Columbia have primary safety belt laws. If states without primary enforcement enacted primary belt use laws and increased use rates by 15 points, national usage would increase by about 8%. Translated into lives and dollars, this would mean thousands of moderate to serious injuries might be prevented each year, and billions of dollars of economic savings could be realized.

States that have introduced primary safety belt bills in their legislatures have encountered formidable challenges. Documented safety benefits of belt use in crashes, the disproportionate costs of crash injuries to unbelted occupants, and the public acceptance of belt laws have simply not been sufficient to achieve passage in all jurisdictions.

In order to improve the passage of primary belt laws, in 1996, the National Highway Traffic Safety Administration (NHTSA) sponsored a qualitative research study to identify effective strategies for prompting police nationwide to enforce existing safety belt use laws more actively in order to foster higher compliance rates. The findings indicated officers were reluctant to issue tickets in states with secondary law status because this status implied a lower legislative priority for ticketing; police were also frustrated by the lack of support they received from the courts. Their interpretation of a primary law was that it would express a political base of support for enforcement and communicate the priority to the public.

Recognizing the need for assistance in passing primary safety belt laws, NHTSA worked with the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) to draft a Model Standard Safety Belt Law (Appendix A). In addition, NHTSA worked with the Insurance Institute for Highway Safety, the National Safe Kids Campaign, the National Transportation Safety Board, the Air Bag Safety Campaign, and the National Association of Governors' Highway Safety Representatives. When asked by state officials, NHTSA also provided testimony to State legislators and prepared background documents about primary enforcement.

In 1997, NHTSA sponsored this research to document relevant legislative strategies and the barriers encountered in modifying the laws. This project focused on developing historical case studies in jurisdictions that have upgraded their secondary safety belt use laws to primary ones: California, the District of Columbia, Georgia, Louisiana, Maryland, and Oklahoma. The legislative process and the perspectives of individuals involved in that process, at all levels, were explored. In-depth interviews and meetings were conducted in order to elicit the legislative histories and the roles of key players.

B. President's Initiative

On December 28, 1996, President Clinton, in his weekly radio address to the nation, asked all Americans to wear their seat belts whenever they entered a vehicle and to ensure that children always be buckled in the back seat. He stated, "If there is one thing we can do to save thousands of American lives, it is to increase seat belt use nationwide."

In January 1997, the President directed Secretary of Transportation Rodney Slater to prepare a plan to increase the use of safety belts nationwide. The Secretary charged NHTSA with this responsibility. In turn, NHTSA developed the national initiative known as *Buckle Up America*. Dr. Ricardo Martinez, NHTSA Administrator, affirmed, "Traffic crashes aren't 'accidents.' They are both predictable and preventable. The quickest, easiest, and most effective way to prevent traffic injuries and fatalities is to make certain that every vehicle occupant is properly buckled up on every trip."

President Clinton, Secretary Slater, and Administrator Martinez, set goals for this national initiative to increase national seat belt use to 85% of all Americans by the Year 2000 and to 90% by the Year 2005.

C. Objectives

In order to understand the legislative process and the roles played by political figures and other individuals in that process, the contractor explored relevant legislative strategies and identified key opposition. In addition, non-legislative components that played a role in the process were explored. The contractor's key objectives were to:

- Document the roles, strategies, resources, and arguments used in efforts to pass primary safety belt laws.
- Compare the findings and conclusions among the states with new primary laws, in order to anticipate legislative efforts and politics which might occur in other jurisdictions considering primary safety belt legislation.

The objectives were narrowly construed to look only incidentally at other recent provisions which also helped strengthen secondary laws, e.g., broadened coverage of vehicle classes and occupants required to wear belts.

Limited project resources did not allow consideration of the process of upgrading provisions of pre-existing primary laws or examination of secondary laws that were not upgraded to primary status.

II. RESEARCH METHODOLOGY

This study used face-to-face and telephone in-depth interviews, a focus group discussion, and document reviews to explore the legislative processes that brought about the passage of six primary enforcement laws for safety belt violations.

A. Case Study Sites

1. Selection

NHTSA and members of several national traffic safety organizations decided to limit the study to the six jurisdictions that recently upgraded from secondary to primary belt usage laws: California, Louisiana, Georgia, District of Columbia, Maryland, and Oklahoma. Other states have experienced a different legislative history, such as unsuccessful attempts to get a primary law. However, given restricted resources, of both budget and time, the decision to focus on states with a successful history of upgrading an existing secondary law was expected to be more revealing and interesting to other states.

2. Profile of primary safety belt laws

a. NCUTLO's model safety belt law

The model standard (i.e., primary) safety belt law developed by the NCUTLO with the support of NHTSA would require that all passengers, including driver, in a motor vehicle (defined as any motor vehicle having a gross weight of 10,000 pounds or less) in any seat, front and back, be safety belted. The minimum fine for violation of this requirement should be \$25, up to \$50 or more.

Those exempt would be limited to: occupants with a disability noted by a physician, children covered by state's child restraint use act or law, a vehicle built prior to December 31, 1967 and a vehicle not required to be equipped with safety belts.

b. Overview of study sites' primary bill provisions

All six jurisdictions removed the existing secondary enforcement provision, but the change to primary enforcement was typically the only upgrade in the resulting primary law. Oklahoma even lowered its fine for violations. The District of Columbia, however, upgraded its law by adopting the country's most comprehensive safety belt language, including provisions raising fines to \$50 and imposing a sanction of two points on the driver's license record. When California passed its primary law, it also expanded the coverage to the State's millions of pickup trucks.

Several states added non-belt related compromise provisions to win dubious legislators' support of the primary enforcement provision. In California, legislators created a sunset provision to quell the concerns of legislators who viewed the primary law as a tool to increase levels of minority harassment and who were not convinced it would really lower crash death rates. The sunset provision allowed the bill to die unless it was reenacted three years after its initial passage, time during which harassment concerns could be monitored.

c. California

The California primary law requires that front seat passengers are restrained in a safety belt. If a front seat passenger does not comply with this provision, a peace officer may stop and ticket for the violation. The law states that ages four and up are subject to the requirement. Maximum penalty for first offense is \$20 and \$50 for each additional offense.

Exemptions were carried over from the secondary safety belt law and included: an individual with a disability noted by physician, US postal service employees on duty, authorized emergency vehicles, back seats of emergency vehicle and taxi cabs and limousines operated on city streets. An exemption added to the primary safety belt law was delivery vehicles on surface streets.

At the time of passage, California was addressing the issues of traffic safety, automobile insurance restructuring and tort reform. Legislators expressed concerns about the potential for minority harassment, the infringement on individual's rights, and the impact of fines on the poor. These concerns were addressed by including anti-harassment language and maintaining a low fine structure. A sunset provision was added to address general concerns raised by opponents. The provision allowed the law to die if not reenacted three years following initial passage. This time frame allowed legislators the opportunity to vote for the bill on its merits, yet monitor the impact on minority harassment and the mileage death rate.

d. Louisiana

The Louisiana primary law initially stated that vehicles with unbelted front-seat occupants may be stopped and searched for failure to wear a safety belt, at which time a ticket could be issued. However, the State Attorney General examined the language and confirmed that a traffic stop for a safety belt violation could not be used as the basis for a vehicle search. The law was revised to explicitly note that searches may not be conducted on the basis of a safety belt violation.

With the passage of the primary safety belt law, the cost for the first offense was revised to \$25, without the addition of court costs. Costs for subsequent violations were set at \$50 for the second offense and \$50 plus court fees for the third offense.

The exemption for farm vehicles located within five miles of principal use was carried over from the secondary law. Additional exemptions included in the primary safety belt law: US Postal Service employees on duty and newspaper delivery vehicles.

The harassment issue and the possibility of high fines were two areas of concern for opponents of the bill. Legislators overcame these concerns by including language in the bill addressing both the issues, specifically addressing the harassment issue in the initial paragraph of the bill.

e. Georgia

The Georgia primary law applies to front and back seats passengers. Individuals between the ages of 4 and 17 are required to be safety belted at all times, in all seat positions, while individuals 18 and up are required to be buckled in the front seat only. The maximum penalty for violation of the law is \$15.

The primary law's exemptions as stated are for individuals with a disability noted by physician, US Postal Service employees on duty, pickup trucks, newspaper delivery vehicles, general delivery vehicles maintaining a speed of 15 mph or less, vehicles driving in reverse, and vehicles built in and prior to 1965.

Direct support from the Governor's office, specifically from the Lieutenant Governor, made negotiation with opposition legislators possible through a joint committee. Legislators compromised by passing an increase in the speed limit in exchange for the passage of the primary safety belt law. As in the other states, anti-harassment language was included. In addition, opposition based on ABATE's concerns were addressed by the promise of a committee hearing the following session for motorcycle helmet issues.

f. District of Columbia

The primary law requires the driver and all passengers in a motor vehicle to wear safety belts, regardless of seat position. All ages are subject to the requirement, with individuals ages 16 and under taking precedence in belted seats in a vehicle with limited belt availability. Maximum penalty for violation is \$50 and 2 points on the driver's license. A \$100 fine can be issued to taxis failing to post a required safety belt use sign.

The passage of the primary safety belt law in the District was the least challenging of the six jurisdictions. Eleven of the fourteen Council members co-sponsored the bill in the Committee of the Whole. There was virtually no opposition.

g. Maryland

The primary safety belt law repeals the secondary enforcement provision but applies only to front seat passengers. Ages 16 and up are subject to the requirement. The maximum penalty for violation is \$25.

Those exempt as stated in the primary safety belt law: disability noted by physician and US Postal Service employees on duty.

The timing of the introduction of the safety belt bill was a key concern. In the previous legislative session, consideration of gun control legislation was a contentious issue. Individual rights activists were opposed to both bills and compared the infringements imposed by the gun control law with infringements imposed by the seat belt law. Assignment to a friendly committee and the addition of anti-harassment language were important tactics in passing the legislation.

h. Oklahoma

The primary belt law applies to the front seat only, but there is no age specification subject to the requirement. The maximum penalty for violation is \$20.

Those exempt: disability noted by physician, US Postal Service employees on duty, and trucks, truck tractors and vehicles primarily used for farm use.

A key opposition concern was the possibility of "exorbitant" fines. Legislators addressed this concern by lowering the fine from the secondary belt law's \$32.50 fine to \$20.

**LEGISLATURE COMMITTEES THAT HANDLED
PRIMARY SAFETY BELT LAWS**

| STATE | BILL NUMBER | COMMITTEE OF BILL PASSAGE | |
|----------------------|-------------|---------------------------|---|
| California | AB338 | Senate Assembly | Transportation Transportation |
| Louisiana | HB1350 | Senate House | Transportation Transportation |
| Georgia | SB606 | Senate House | Judiciary Motor Vehicles |
| District of Columbia | Law 11-504 | Committee of the Whole | |
| Maryland | HB816 | Senate House | Judicial Proceedings Commerce & Government Matters |
| Oklahoma | HB1443 | Senate House | Government Operations & Agency Oversight Public Safety |

KEY PROVISIONS OF PRIMARY SAFETY BELT LAWS

| STATE | TITLE OR BILL NUMBER | DESCRIPTION | SEATS COVERED |
|----------------------|-------------------------|---|------------------|
| California | Assembly Bill 338 | Front seat passengers must wear belts; Peace officer can stop or arrest for a safety belt violation | Front |
| Louisiana | House Bill 1350 | Allow vehicles and occupants to be stopped and searched for failure to wear a safety belt; to provide for period of time in which warning can be issued; to provide for related matters | Front |
| Georgia | Senate Bill 606 | ...Change provisions relating to use of safety belts in passenger vehicles... | Front |
| District of Columbia | DC Law 11-504 | Require the driver and all passengers in a motor vehicle to wear a safety belt; to educate about law; primary enforcement 2 point assessment | All |
| Maryland | House Bill 816 | ...to repeal the provision that limits a police officer to enforcing a violation of certain mandatory seat belt use laws only as a secondary action | Front |
| Oklahoma | House Bill 1443 | ...an act... which relates to safety belts... | Front |
| Model Belt Law | Safety Belt Use Act | Motor Vehicle: any motor vehicle having a gross vehicle weight of 10,000 pounds or less... Driver: person who drives or is in actual physical control of a motor vehicle Safety belt: any strap, webbing, or similar device designed to secure a person.... | All |

KEY PROVISIONS OF PRIMARY SAFETY BELT LAWS

| STATE | AGE COVERED | EXEMPTION AFTER PRIMARY LAW | MAXIMUM PENALTY FOR VIOLATION |
|-----------------------------|--|---|--|
| California | 4 years and up | <ul style="list-style-type: none"> • Disability noted by physician • US Postal Service on duty • Delivery vehicle on surface streets • Authorized emergency vehicle • Back seat of emergency vehicle • Taxi and limousine operated on city street | \$20: 1st offense \$50: For further offenses |
| Louisiana | 13 years and up | <ul style="list-style-type: none"> • US Postal Service on duty • Newspaper delivery vehicle • Farm vehicle located w/ in 5 mi of principal use | \$25: 1st offense including court costs \$50: 2nd offense including court costs \$50 plus court costs: 3rd offense |
| Georgia | 4-17 years all seats 18 years and up front seats | <ul style="list-style-type: none"> • Disability noted by physician • US Postal Service on duty • Pickup trucks • Newspaper delivery vehicle • General delivery vehicle-15 mph • Driving in reverse • 1965 and older vehicle | \$15 |
| District of Columbia | All ages with 16 and under having preference for belted seats in vehicles with limited belt availability | <ul style="list-style-type: none"> • Operator of passenger vehicle for hire, but must post law in rear window and must ensure all passengers comply | \$50 and 2 points \$100 for failure to post sign in hired vehicle |
| Maryland | 16 years and up | <ul style="list-style-type: none"> • Disability noted by physician • US Postal Service on duty | \$25 |
| Oklahoma | Not referenced | <ul style="list-style-type: none"> • Disability noted by physician • US Postal Service on duty • Trucks • Truck tractors • Vehicle primarily for farm use | \$20 (lowered from \$32.50) |
| Model Belt Law | All ages | <ul style="list-style-type: none"> • Disability noted by physician • Children covered by state's child restraint use act or law • Cars built prior to December 31, 1967 • Vehicles which are not required to be equipped with safety belts | \$25 - 50+ (raised from \$25); 2 points on driver's license |

B. Data Collection Methods

1. In-depth interviews

Over 100 in-depth interviews were conducted with a wide range of participants involved in the political process (Appendix B). In each jurisdiction, extensive interviewing, both in person and by telephone, provided a detailed history of the passage of the primary safety belt law.

The original schedule called for data collection to be completed in two months, by December 1997. In reality, the dismissal of the legislatures for inter-session recess and the departure of key individuals for Thanksgiving and Christmas vacations extended interviews and document reviews until January 1998.

a. Interview guide

A topic guide was developed for one- to two-hour in-depth interviews so the same type of information was gathered for each jurisdiction, with the understanding that participants were asked different questions depending upon their role and perspectives. Question sequence and wording varied appropriately.

General topics addressed were:

- The motivations or political pressures for initiating primary safety belt use legislation in the state
- Legislative obstacles to passing a primary safety belt law
- Individuals, groups, lobbyists, and coalition team members who played key roles in the legislative process, including convincing spokespersons, prominent champions, and opponents
- The perceived major factors resulting in the eventual passage of the proposed primary law
- The approaches, strategies, tactics, lobbying, legislative language, and negotiations/compromises for overcoming legislative obstacles, the dynamics of these factors during lawmaking, and conflicts about them within the communities of advocates and opponents
- Participants' individual/collective roles, resources and contributions to persuade legislature members and the Governor to influence, support, or oppose the outcome.
- Effective/persuasive arguments, rejoinders, and information that influenced legislators' and governors' positions (e.g. statistics, economic data, highly visible deaths),
- Efforts to generate and influence media coverage of legislative activities, including proactive and reactive efforts by advocates and opponents, and the results of these efforts, and
- Analysis of factors that can be generalized from the study of these six jurisdictions for their impact on law-making.

The Interview guide appears in Appendix C.

b. Interview protocol

A protocol was written as a training aid for interviewers to ensure that standard procedures were followed in the collection of data. The protocol appears in Appendix D.

c. Interview confidentiality

In order to secure information, contacts were assured of complete confidentiality before they began their interviews. No individual's comments are identified by name in this report and specific issues were addressed on a general basis.

The need for confidentiality was expressed often by the interviewees who were assured that this condition would be met unconditionally.

d. Mix of individuals interviewed

State legislators and staff, NHTSA and other traffic safety experts provided a partial list of initial state and local level contacts who were knowledgeable about belt legislation events in the six jurisdictions. Before calling any state contacts, the contractor coordinated its plans with appropriate NHTSA Regional Offices and the Governor's Office for Highway Safety in each jurisdiction. The initial contacts recommended additional individuals who represented a wide spectrum of those involved in the safety belt use law legislative process, including:

- Executive branch participants including the Governor and staff, State Highway Safety Office, and other state agencies
- Coalitions associated with local and state groups, plus state affiliates of national safety organizations and industry associations
- Opposition leaders

Some interviewed individuals were no longer in the same position they held during the legislative process. Appendix B lists the types of people who were interviewed in each jurisdiction. When certain key legislators could not be interviewed, the contractor attempted to interview former legislative assistants.

2. Literature review

Numerous documents were reviewed, including:

- Primary Safety Belt Laws and the Model Standard Safety Belt Law
- The President's Initiative
- The "Buckle Up America" Initiative
- Belt use statistics
- Data related to lives and dollars lost as a result of crashes
- Mileage death rates
- Task Force campaign manuals and reports
- Legislative histories of bills
- Staff analyses of bills
- Newspaper articles and press releases
- Material prepared by belt law opponents

The Internet was searched for information related to the passage of safety belt legislation.

3. Integration of research findings

Findings based on in-depth qualitative research were combined with secondary research of available documents.

Interestingly, issues which were discussed as fact were at times in conflict with documented evidence. This disconnect between key individuals' perceptions and the actual legislation is important to remember when examining the case studies of each state for strategies that can be generalized. Extensive cross checking and document verification was conducted in order to minimize any unexplained misperceptions.

III. KEY PARTICIPANTS

In all six jurisdictions, a number of critical legislative and coalition components were in place when the safety belt legislation was passed. The following section highlights these participant's roles in the political process.

A. Legislative Participants

1. Governor

While the Governor's role in the passage of the bill differed in each state, at a minimum, passive acceptance was essential. In states where the Governor was originally opposed to the bill, almost no movement took place. The Governor's promise not to veto the bill was crucial to lining up broad-based legislative support: no legislator wanted to fight for passage through both houses only to face the Governor's veto.

Thus, the Governor was a crucial player in the political process: with the Governor's support of the safety belt legislation — even if that support was passive — legislative sponsorship and support were easier to muster.

In some cases, the Governor's legislative agenda played a key role in allowing the introduction of traffic safety initiatives. If the Governor set a clear agenda priority, legislators respected that agenda. For example, in one state the bill did not pass during a session when the Governor's agenda focused on gun control.

2. Sponsor of the legislation

Effective legislation sponsors were able to wield power and maintain good relationships with the Governor's office. Powerful, charismatic legislators with standing in the minority community, appropriate committee assignments and personal interest in the success of the safety belt legislation were the most effective.

Given the importance of the committee selection to the passage of the primary bill, the person who controls committee assignments is a key player. In several cases, the bill's sponsor controlled the committee in which the bill was originally heard. In other states, the Speaker of the House or President of the Senate controlled the assignment.

3. Committee chair

Getting the bill out of committee was, in many states, the key challenge to its passage. Once the bill was out of committee, the odds of its successful passage were high.

Although in some states the Committee Chair was also the legislation's sponsor, it was essential that the bill be heard in a committee whose chair, at a minimum, was not opposed. During previous sessions in some states, the bill never made it out of committee, due to the Chair's opposition to the bill. A supportive Committee Chair in some states forced a consensus to bring the bill to the floor — a consensus that would not have been possible without the Chair's persuasive power or control.

Successful legislative management included identifying appropriately supportive Committee Chairs and using the committee assignment process to place the bill in a supportive, if not traditionally traffic-related, committee.

4. Governor's highway safety representative and highway traffic safety office

In some states, the Governor's Representative and Highway Traffic Safety Office (HTSO) played key roles in maintaining the bill's momentum through the legislative process. By distributing Federal grant money, the HTSOs supported the coalition's continuing public information and education (PI&E) efforts. Though the PI&E efforts were not a major influence on the legislative process *per se*, these efforts played a formative role in the public's understanding of and acceptance of safety belt legislation. The public support generated by the successful implementation of these PI&E efforts helped to minimize the perceived political risk legislators faced in voting for the legislation.

In addition, the Governor's Representative and HTSOs repeatedly placed passage of safety belt legislation on the Governor's agenda. However, if the Governor did not support the bill, the HTSO was constrained in its ability to work in support of the legislation.

Once the Governor supported the legislation, HTSO was free to actively build political support. Until the Governor had released his administration with his blessing, however, only minimal support could be expected from the HTSO.

B. Safety Belt Coalitions

In most cases, coalitions worked actively in support of the safety belt legislation and were comprised of the following components:

- Statewide Traffic Safety Groups
- National Safety Advocacy Groups
- Lobbyists
- Law enforcement
- Public Health/Medical Community
- Public Relations and Media

The role of each of these components varied among jurisdictions, with lead roles played by different elements. The coalitions' structures developed differently among the states, with varying degrees of success in implementing strategy.

Organizations that opposed the legislation were not organized into state-level coalitions.

1. Statewide traffic safety groups

Often described as the "grassroots" component of the legislative process, these groups provided organized constituent voices and frequently had long-term vested interests in state and local political processes. These groups, in many cases, had been the principal force behind the passage of the secondary safety belt laws and had extensive experience with specific legislators on their state's traffic safety issues.

While grassroots organizations were not explicitly a key element in generating legislative support, they were able to solidify and intensify that support. While very few legislators indicated their support or opposition was due to the efforts of the grassroots coalitions, many indicated that the coalitions provided them the "political permission" to vote their intention. In other words, because coalitions vocally personalized the costs of non-belt use and generated public support, legislators believed they could vote for the safety belt legislation with minimal fear of public backlash.

In most study sites, institutional structures supporting the legislation were in place before the bills were introduced. These organizations were often an outgrowth of earlier statewide traffic safety initiatives, including secondary safety belt law efforts.

In many cases, the same individuals were in place from the secondary law efforts. While their length of time in service was often a powerful strength, there were also negative attributes. In several states, when the organizers approached key legislators they were reminded that while promoting the secondary law, these organizers had promised "not to bother" the legislators again for this type of legislation. In one case, 12 years had passed since the passage of the original safety belt bill, yet the legislators recalled the promise. In no case did the breaking of that promise constitute an intractable barrier; it was, however, a sensitive topic.

State and local groups who opposed the safety belt legislation, while active in their efforts on other, unrelated legislation, were not well organized on this issue. A core constituency of activists who opposed safety belt legislation did not provide significant energy or resources in their opposition.

2. National safety advocacy groups

In the three most recent case study states, national advocacy groups had important roles to play in terms of resource management and institutional experience. The national advocacy groups infused statewide coalitions with skill and money and were also able to connect local groups with allies in national special interest groups (e.g., automobile and insurance industry groups) who could provide additional support, resources and insight.

In a few jurisdictions, the interaction between state and national groups negatively affected the political process. Local advocacy groups expressed concern that national organizations ignored the local groups' experience and stature within the state and dismissed their insights on media use. National groups expressed their belief that their experience and funding enabled them to direct the state strategy more effectively. In the two states where conflict arose, the tension and the perceived mutual lack of respect exposed in these differing views made managing the legislative process more difficult.

3. Lobbyists

Paid lobbyists and special interest groups (e.g., the auto and insurance industries) played key roles in the passage of recent primary safety belt laws. Their influence often generated the legislative breakthroughs necessary to move the legislation out of committee or to pass a floor vote. Their efforts were primarily directed at educating legislators and their staff about safety belt legislation and providing coalition members with insights into the most persuasive means of generating the desired legislative reaction.

In general, these lobbyists and special interest groups were effective due to their long term relationships with legislators and key staff. They provided the financial backing and organizational skills that allowed coalitions to focus on generating broad-based political support, while the lobbyists focused on specific political issues and vote-getting.

Lobbyists and coalition activists, however, at times came into conflict over the legislative strategy employed. Coalitions were concerned that lobbyists were willing to negotiate exemptions that the coalitions found unacceptable. The lobbyists felt constrained in their ability to broker a deal that they believed acceptable. In jurisdictions in which the coalition point person was able to set clear negotiating parameters and control the lobbyists' efforts, the legislative process was least problematic.

4. Media

Media involvement in public information and education efforts played an important role in generating broad-based support for the enforcement of safety belt laws, but it was not directly relevant to the internal political processes.

The media played multiple roles in the passage of safety belt legislation: as an independent reporter of news and as a component in a directed public relations effort to increase belt use. Routine reporting of belt non-use in fatal crashes, highlighting spectacular crashes in which safety belts played a role, and noting the local impact of crashes all contributed to the general awareness of the need for safety belts. Overall, media coverage directed at generating support for safety belt use but indirectly contributed to the passage of the legislation.

While positive media coverage helped to provide “political cover” for legislators to act in support of safety belt legislation, these legislators believed that once the legislature was in session, the less coverage on the process, the better. Legislators did not believe their efforts — either in support or in opposition — were helped by media coverage during the session.

Press acknowledgment of legislative supporters was a potential minefield. While active leaders in the process are happy to claim public recognition for their efforts, there were two specific incidents of negative impact of such recognition on legislators who had quietly supported passage. Many legislators supported the law because they believed it was good public policy, although they knew they were at some political risk in doing so. In the most egregious violation of that tacit support, legislators who had been specifically assured by coalition members that their support would not be spotlighted were publicly thanked for their support in a pre-vote news article placed by the coalition’s media strategist. As a result, these legislators voted against the legislation. Instances such as this speak to the importance of coordinating a coalition’s media strategy.

5. Law enforcement

The jurisdictions studied had varying levels of involvement by law enforcement officials. In some states, the direct and active leadership exhibited by law enforcement officials was the key to the legislation’s success. In other states, less important roles were played. In all cases, legislators looked to law enforcement officials to legitimize the importance of the primary law’s passage.

Key issues that law enforcement officials addressed were the impact of the legislation on lowering the death rate, the promise that harassment based on this legislation would not be tolerated, and the aberration that “secondary” enforcement introduced in law enforcement.

Several jurisdictions began the push toward primary enforcement before that state’s law enforcement community was fully supportive of officers’ use of safety belts. The disconnect between policy and action led to serious dissension even among supporters of the bill. The argument was raised: How can officers enforce a law they do not obey? In these cases, the dilemma was resolved in one of several ways: officers were exempted from the law, officers were required to wear safety belts or law enforcement agencies were required to adopt a written policy regarding belt use.

6. Public health/medical communities

Public health officials were important in dramatizing the human cost of not using safety belts. The consistent message from all parts of the medical public health community reinforced the loss in human terms; testimony from emergency room doctors and trauma nurses had great impact in communicating the avoidable nature of the loss.

C. NHTSA

NHTSA regional staff played a key role in several jurisdictions helping define the core structure of the coalitions in support of the legislation. NHTSA Regional Administrators either participated in coalition organization or responded to states' requests for support in those organizing efforts.

Each jurisdiction studied was sensitive to Federal involvement, given that government intrusion was a key opposition concern. NHTSA was perceived as playing an effective support role within the jurisdictions studied. In some jurisdictions, NHTSA's role was limited to providing statistics that compared and contrasted safety belt use and crash-related costs. In others, legislation supporters drew upon a wider range of national expertise. At the occasional specific request of state officials and legislators, personal visits and testimony from NHTSA officials, as well as solicited letters and phone calls from headquarters and regional staff, were effective in consolidating support.

IV. OPPOSITION CONCERNS AND ADVOCATES' RESPONSES

A. Overview of Opposition

In the six jurisdictions studied, there was little organized opposition to the passage of safety belt laws. Unlike other traffic safety initiatives, there were no core anti-legislation organizations. Opposition was typically expressed by individual legislators; in many cases, that opposition was not shared by the legislators' constituents.

Opposition included statewide chapters of ABATE and limited participation from state chapters of the National Motorists Association (NMA). There was some overlap in membership between the two organizations. ABATE, which opposes traffic safety initiatives on the grounds of government intrusion, had expressed opposition to primary safety belt legislation. In California, the American Civil Liberties Union (ACLU) expressed limited opposition to the primary safety belt law due to concerns for poor motorists' ability to pay fines.

The National Motorists Association was founded in 1982 and has over 15,000 members nationwide. While interviewees did not perceive NMA as an effective lobbying group, the association does target a broad range of traffic and vehicle safety issues. In particular, NMA has worked aggressively to eliminate the 55 mile per hour speed limit and to discontinue the installation of air bags.

Legislators' opposition to the primary safety belt legislation was not primarily partisan: geography was a key discriminating factor. Rural legislators, regardless of party affiliation, were much more likely to oppose the legislation on government intrusion grounds. When urban legislators opposed the legislation, it was typically due to minority harassment concerns. Party affiliation was not an adequate predictor of support or opposition to the legislation.

B. Opposition Concerns

The safety belt legislation's key opponents were aligned on concerns touching upon, but not central to, the legislation. The two arguments central to objections were the potential for minority harassment and the infringement on individual rights. Secondary issues that emerged included the undue burden of ticket sanctions on the poor and the perception of belt enforcement as an inappropriate use of law enforcement resources.

1. Harassment concerns

General discomfort with "increasing police powers" and the potential for harassment of ethnic minorities was a topic of significant concern in several jurisdictions. In each jurisdiction, some legislators expressed concern that changing from secondary to primary law enforcement might result in the law's being used as a tool to harass ethnic minorities.

In general, directly addressing harassment issues was the most effective way to assuage legislators' concerns. Secondary enforcement provisions are unique to safety belt violations; no other traffic violation requires a "primary" cause for a stop. The legislation's supporters argued that the move to primary enforcement simply made enforcement of safety belt violations consistent with the enforcement standard of other traffic safety violations; however, in many cases, that argument was not persuasive with legislators. Other directed responses were necessary to assuage opponents' concerns.

2. Advocates' response to harassment concerns

The bill's supporters addressed harassment concerns directly at each phase of the legislative process, from the origins of the bill to documenting its implementation in other jurisdictions.

a. Charismatic, minority sponsor

In most of the jurisdictions examined, a chief sponsor of the bill was a member of an ethnic minority. The clear commitment from a leading legislator who was a member of an ethnic minority spoke powerfully to defining the safety belt law as having a positive impact on ethnic communities. This direct and visible support undercut the ability of other legislators to marginalize minority members' support.

b. Promise of equitable enforcement from senior law enforcement officials

Top law enforcement officials' public commitment to careful monitoring of the bill's enforcement among minority populations helped to assuage legislators' concerns that such populations would be targeted. Soothing the level of concern among minorities fearing harassment was considered essential by lawmakers who were probably not fully convinced that harassment would not occur. However, legislators/ politicians accepted public statements from law enforcement officials that underscored a commitment to appropriate use of the law.

c. Vocal support of credible minority officials

In the jurisdictions examined, states that had originally adopted primary enforcement had not seen the law being used as a tool to harass minorities. It was especially effective to have those positive experiences highlighted by a credible source: an NAACP official in the region, the Secretary of Transportation, or a well-known African-American legislator from a state that previously passed a primary enforcement bill. The perspectives of these individuals, conveyed through personal contact, letters, and phone calls, were effective in countering some legislators' concerns of harassment.

d. State Supreme Court rulings

In one state, the Supreme Court ruled in support of an existing law allowing officers to order passengers out of vehicles following a traffic safety violation. This ruling became an important component of opposition arguments. In light of harassment concerns, some opponents argued that the primary safety belt law would expand the already extensive power of police to order vehicle searches. A subsequent interpretation from the state's Attorney General's office clarified Maryland's interpretation of appropriate enforcement.

e. State and local statistics

Statistics illustrating high statewide death rates of African-American males in car crashes placed the need for a primary safety belt law in an acceptable context. Supporters presented national statistics indicating that more African-American males die in car crashes than from any other form of violence. In addition, the disproportionate rate of African Americans killed in car crashes led some minority legislators to state that they were working to protect their constituents.

f. View of measure by law enforcement officials

While not a principal argument, in each jurisdiction, law enforcement officials stated their belief that "officers don't need a belt law to harass someone." This candid acknowledgment refocused concern from the safety belt legislation to police behavior in general. Law enforcement officials were comfortable addressing overall concerns and insisted that safety belt legislation should not be the focus.

g. “Civil liberties” provisions

Supporters in several jurisdictions found that inserting a “civil liberties” provision into the bill that explicitly addressed harassment concerns was effective in broadening support for the legislation. Directly addressing the harassment concern in the body of the bill was perceived as a politically efficient way to assure legislators that harassment would not be tolerated. This inclusion also helped to sensitize the public that attention would be paid to the harassment concerns.

Other jurisdictions, however, considered such language for either the body or preamble, but did not include it due to political dissension. Some legislators believed that the anti-harassment language presumes the potential for police abuse and refused to place the language in the bill.

h. Attorney General’s interpretation

In several states, having the Attorney General’s office provide a legal interpretation of the legislation’s language was crucial to broadening legislative support. Legislators requested explicit rulings on the language included to prevent harassment. In addition, legislators looked for assurance that the language codified restrictions on law enforcement officers’ broader use of the law for searches and seizures.

In light of State Supreme Court rulings, the Attorney General’s offices analyzed the legislation’s impact on law enforcement agencies’ policies and practices and found that the safety belt law did not increase the scope of police power. Due to that analysis, some legislators were more inclined to support the legislation.

i. Sunset provision

In California, key legislators expressed profound concern that the change to primary enforcement might increase the potential for minority harassment. These concerns were effectively addressed by adding a sunset provision to the bill, i.e., the law would die if it were not reenacted in three years.

The use of a sunset provision as a legislative tool was effective because it allowed a reasonable response to specific concerns: Legislators were freed to vote for the bill, yet were given a mechanism to readdress issues if their harassment concern was justified. At the end of the three-year period, there had been no experience with harassment. The law was reenacted in 1995.

An additional benefit of the use of a sunset provision is that it allows legislators who are not fully in support to vote for the bill with the option of reexamining its results. Some legislators were skeptical of life-saving benefits; when the law was re-enacted, however, the achieved benefit, while less than promised, was considered sufficient.

3. Government intrusion and infringement on individual rights concerns

In several states, legislators who formed the core opposition were outspoken proponents of individual rights and opponents of expanded government intrusion. These legislators believed that primary safety belt enforcement is an infringement on individual rights and an unacceptable government intrusion. Their opposition could be predicted by assembly votes on other government intrusion issues.

In some cases, legislators believed their opposition to the bill on an individual rights basis reflected their constituents’ views. This perception was, in many cases, not accurate. District-level polling data and *FAXBACK* programs provided direct but not representative expression of constituents’ attitudes. State polling data indicated that a majority of constituents were more supportive of the safety belt legislation than legislators knew. In these cases, the political risk of supporting the legislation was lower than legislators realized.

Because these legislators' individual rights beliefs were deeply felt, political arguments alone did not typically succeed in garnering their support. However, because most opponents were keenly political, placing the safety belt bill in the context of other pending legislation provided the opportunity to barter support for opponents' own legislative interests.

4. Advocates' responses to government intrusion concerns

For true believers in the preservation of individual rights, very few responses were persuasive. A variety of legislative tactics were used to minimize opposition, including introducing safety belt legislation during a session of conflicting priorities, political arm-twisting and legislative "horse-trading." These tactics are discussed in Section VII: Legislative Strategy and Tactics.

Several arguments were used, with limited success, to address concerns from legislators who typically oppose measures that are perceived as government intrusion, e.g., motorcycle helmet laws and gun control legislation.

a. Reduction of tax burden of public health costs

Supporters argued that the increased compliance generated by primary safety belt legislation would reduce the number of traumatic injuries. That reduction could result in lower public health support costs and, therefore, lower taxes and reduce government intrusion.

Dramatic statistics illustrating the government cost incurred in supporting people who had been severely injured in unbelted crashes were effective in conveying the magnitude of societal cost.

In one jurisdiction, a pro-legislation advocate forced the issue too far: i.e., the argument was expanded to include the loss of tax dollars due to the inability of severely crash-injured individuals to contribute to society and the corresponding increase of the tax burden on working citizens. This particular argument was not persuasive and was perceived by individual rights advocates as simply illustrating the government's interest in preserving its funding source, the tax base.

b. Present usage of safety belts

Supporters of the legislation claimed that most individual rights advocates use safety belts or support traffic safety codes in principle. Individual rights advocates agreed that because the majority of people were buckling up, the infringement was slight. However, the individual rights advocates argued that because most people were already using safety belts, the need for primary enforcement legislation was obviated.

For both supporters of the legislation and individual rights proponents, public acceptance of safety belt use indicated that most people do not oppose this particular type of government intrusion. Supporters of the legislation noted that any form of traffic safety code could be construed as government intrusion, but without that code, chaos would result. Further, having a driver's license implies an acceptance of a government-regulated intrusion in preventing chaos on the roads.

5. Financial burden concerns

There was very limited expression of concern that the sanctions imposed by violations of safety belt laws would cause an undue burden on the poor. Only California's ACLU chapter, which had no prior involvement in traffic safety issues, registered concern that sanctions for belt violations would be too heavy a burden on the poor.

This concern, while not a widespread opposition argument, is important in light of research that has found that the imposition of high fines and points might be necessary to motivate belt use among

current nonusers. While stiff sanctions may indeed encourage belt use, belt-law advocates typically feared that it would be more difficult to pass the primary belt law.

6. Advocates' response to financial burden concerns

In general, the sanctions for primary safety belt violations remained consistent with the sanctions in place for the secondary safety belt laws, typically fines of \$25-50 plus court costs. In Oklahoma, legislation was enacted that lowered the fine as a trade off for anticipated higher levels of enforcement. In California and Louisiana, fines were kept down for first offenders, but higher fines were imposed for subsequent convictions.

7. Concern regarding usage of law enforcement resources

Legislators in several states expressed concern regarding the level of effort police agencies must exert to enforce traffic laws. Some legislators held a continuing belief that officers should be catching "real criminals," not checking safety belts. Ongoing tension regarding the utilization of limited law enforcement resources resulted in some opposition to the passage of primary safety belt laws.

Some legislators were reluctant to commit officers' time to enforce what the legislators consider lower priority issues.

There was very limited concern that law enforcement officers would focus on completing their "quota" of traffic citations through issuing safety belt citations instead of ticketing for a variety of more serious traffic safety violations, including red light running.

8. Advocates' responses to law enforcement priority concerns

In general, advocates' were able to draw directly on law enforcement officials to address opposition concerns.

a. Support of law enforcement agencies for primary enforcement

Law enforcement agencies were universally supporters of primary safety belt legislation and, in some jurisdictions, played key roles in the passage of the bill. This support was earned through the extraordinary effort of some officers who saw and met the need for public information and police education.

These agencies did not believe that primary enforcement of safety belt violations was an inappropriate use of their resources. Rather, they were a credible voice in addressing those concerns.

b. Role of traffic stops in capturing felons

Many agencies convincingly argued that primary enforcement status made them more effective in enforcing a variety of laws, including those beyond the scope of traffic safety. The substantial number of felons arrested as a result of stops for safety belt violations in Georgia was an effective argument for the passage of the primary enforcement bill. Experience with the primary safety belt law's role in generating felony arrests effectively conveyed the message that traffic safety enforcement is an integral tool for protecting public safety.

V. SUPPORTING ACTIVITIES AND STRATEGIES

A. Coalition Building

Coalition formation was a basic, widespread early step toward successful law-making. In each of the jurisdictions studied, a coalition, or group of individuals and organizations working actively in support of safety belt issues, impelled legislative action.

One method that worked effectively was designing the coalition with clear task responsibilities in place before organizations or individuals were asked to join. The strategy and direction were clearly presented to interested organizations who were invited to join if they would accept their assigned role. In joining, the organizations acknowledged support for the strategy, and then were free to work within their areas of expertise.

Individuals played important, yet different, roles in promoting the passage of safety belt legislation. In the states where coalitions designated a point person, the coalitions were effective in maintaining a coherent legislative strategy. In those cases, the key individual was an influential member of the traffic safety community.

These point persons directed coalition efforts and coordinated individual components, such as setting negotiating parameters for lobbyists, determining and monitoring implementation of media strategy, and scheduling testimony before committees.

B. Coalitions' Supporting Tactics with the Media

1. Generated public awareness

Continuing interaction between grassroots public relations strategists and reporters and editorial boards played a significant role in generating public awareness of the need for belt use. This awareness often resulted in at least passive acceptance of the need for safety belt laws and enforcement of those laws.

2. Encouraged routine media reporting

With the active support of law enforcement, most jurisdictions' media began routinely reporting belt non-use in fatal crashes. This policy had a cumulative effect in raising awareness of the need for belt use and highlighting the results of not wearing belts.

3. Highlighted safety belt use in spectacular crashes

In each jurisdiction, there was a dramatic crash that drew massive attention to the role of safety belts. In some cases, a passenger survived a horrific crash, against all odds, because of safety belt use. In other cases, a victim died in a survivable crash because he or she did not wear a safety belt. While highlighting seemingly rare events may not seem strategic, the point remains: crashes happen frequently and belt use is a key factor in survivability. In several jurisdictions, a crash involving a key legislative player, whether in support or opposition, not only solidified support for the legislation, but also brought positive publicity to the issue.

Coalitions made a point of identifying these incidents and worked with the media widely to report them. In several states, coalitions collected the media reports from targeted legislative districts and sent them to the representatives. Legislative aides noted that this constituent-focused approach was

often persuasive with legislators. “Saved by the Belt” programs provided the news hook that helped to focus media attention on the success stories of belt use.

4. Reported loss of young people’s lives

In conjunction with reporting spectacular crashes, coalitions focused attention on the loss of young people’s lives. One coalition effectively used cumulative local statistics of young people ejected in crashes to demonstrate the magnitude of loss in each legislator’s district.

Highlighting the continuing, unnecessary permanent injuries and loss of life, coalitions reinforced the argument that the primary safety belt law was necessary because young people would be more likely to wear a safety belt if they could be ticketed. In addition, the loss of young lives dramatized the toll of unbelted crashes on communities. Some legislators were directly affected by the emotional power of this argument.

In Oklahoma, the testimony of a mother whose son died in a crash because he was unbelted was a key reason the primary bill passed. The ability to personalize the loss was a powerful and persuasive component of passage in several states.

5. Garnered support of influential opinion/editorial pages

For several states, timely public support in the editorial pages of influential newspapers had some impact persuading undecided legislators to vote for the primary safety belt legislation. Coalition members in those states had met with reporters and editorial boards to seek their support for the legislation. Independent editorials appeared in some jurisdictions as the legislative process neared completion and served to reinforce the importance of passing a primary safety belt law.

The magnitude of the press impact was directly correlated to the level of influence the particular newspaper had with particular legislators. In most cases, the influence was fairly muted. However, in some circumstances, having the newspaper support a legislator’s stance was of value to the legislator.

6. Monitored public reaction to talk show radio

In some states, talk show radio hosts played active roles in defining listeners’ reactions to pending safety belt legislation. Typically, the radio hosts were individual rights advocates who broadcast concerns that the legislation would criminalize a minor violation. In Oklahoma, these broadcasts generated public opposition that inhibited local adoption of the state’s new primary belt law.

C. NHTSA’s Roles

NHTSA provided the national context for the urgency of passage of the safety belt legislation. The design of that support varied, based on the needs and interests of the states involved. In some jurisdictions, NHTSA’s role was limited to providing statistics that compared and contrasted safety belt use and crash-related costs. In others, NHTSA identified potential legislative sponsors and participated in other courses of action that increased legislative support, including committee testimony and site visits from NHTSA officials.

The key sensitivity regarding Federal involvement remained; any activity that NHTSA engaged in had to be at the request of the state. Given that a key opposition concern was government intrusion, any action that implied unsolicited government intervention or involvement could have caused damage.

1. Linking organizations to form a statewide coalition

Based on the needs and interests each state, NHTSA was important in defining the structure of support coalitions. Regional Administrators shared national expertise in the development of successful strategies and were able to draw in diverse groups to broaden the base of the coalition.

2. Securing state officials' early support

Senior level NHTSA presence early in the legislative process was a turning point for some state level officials' acceptance of the need for primary safety belt legislation. Where appropriate, timely, direct contact from senior NHTSA officials in support of safety belt legislation was an essential ingredient in generating support for the legislation. In some cases, the on-site visits of senior level NHTSA officials simply heightened the commitment to the legislation; in others, these visits removed barriers for those who had not yet committed their support. Following the personal visits, some legislators and state Cabinet officials who had been neutral or opposed to the primary law expressed their support or acceptance of the legislation. For those who were already committed to the legislation, the visits were a positive validation of their efforts.

Due to continuing concern regarding the role of the Federal government, these visits were made at the request of state officials. Any uninvited Federal activity would have made the legislative process more difficult.

3. Providing resources and statistics

NHTSA provided well-received materials, statistics, and the Model Safety Belt law. Supporting coalitions found the materials effective and useful in broadening their communication education efforts. State-administered 402 grant money was essential to fund the coalitions' efforts.

4. Testimony before legislative committees

Great care was taken in deciding the level of NHTSA involvement in state politics. In some states, NHTSA was invited to give testimony and did so effectively. In other cases, the politics mandated that state sensitivities to Federal involvement would have undercut the value of such testimony. In these cases, NHTSA was sensitive to the states' requests and judgment.

5. Timely response to states' requests

Given the sensitivities that state legislators expressed regarding NHTSA involvement, when a request for support was made, NHTSA's typical response had to be timely and appropriate.

VI. LEGISLATIVE STRATEGIES AND TACTICS

In most jurisdictions, a multiple legislative session perspective influenced the focus of the primary enforcement legislation. Supporters of primary belt laws realized that it might take several years to pass a primary law and accepted that it might take additional years to strengthen its provisions. The general legislative approach was to make whatever compromises were required to secure primary law status, adding only politically necessary provisions that addressed opponents' concerns, rather than to lobby for a variety of upgraded provisions as recommended in NCUTLO's Model Safety Belt Law.

The following section outlines the variety of legislative strategies and tactics advocates used in passing the primary safety belt laws.

A. Committee Assignment of Bill

As noted previously, the bill's assignment to a sympathetic committee was essential to its chances of passage. Once the bill made it out of committee, the odds of its eventual passage were improved. Experience with this legislation has shown that if the bill was assigned to a committee whose chair was not supportive, it was likely to languish there.

In some states, the bill had failed previously in committee due to a particular chair's personal beliefs. The bill's re-introduction to that committee was considered ineffective. In these cases, the bill was introduced in a non-standard committee for traffic safety issues such as the Judiciary Committee.

B. Timing of Bill's Introduction

Introducing legislation in the correct committee was not the only issue facing primary belt law sponsors. Traffic safety measures were introduced when the agenda for the legislative session allowed it. Some sessions, highly influenced by the Governor's agenda, were dedicated to gun control issues or revenue concerns while others were concerned with traffic safety measures, making it the right time for the introduction of safety belt laws.

Timing of legislative priorities was crucial to passage. In most cases, legislators who supported traffic safety issues were able to generate the necessary votes for only a limited number of such measures in any given legislative session. These issues included child passenger safety and speed limit initiatives. Having explicit priorities in place helped to minimize the diffusion of energy necessary to pass any one traffic safety initiative.

C. Impact of Term Limits

The impact of term limits was dramatic in one legislature. Key players said repeatedly that term limits had dramatically changed the political process yet they cited opposing results: either increasing or decreasing the influence of lobbyists. Some players believed that term limits increased the power of lobbyists because legislators no longer had the time to develop expertise in many substantive areas. These legislators were, therefore, more dependent on information from lobbyists who were perceived as credible sources. Other players believed, however, that the role of lobbyists had been minimized because they no longer had time to develop close personal relationships with the legislators.

While term limits changed the balance of influence, term limits also permitted outgoing swing-vote incumbents to support belt laws “as sound public policy” and might have led to turnovers, in some cases, among current Committee Chairs who oppose belt laws.

D. Effective Committee Testimony

Supporters sought to strengthen their support with legislators through the use of compelling testimony. The witness mix that supporters found effective included the following:

- An EMS (Emergency Medical Services) professional with eyewitness testimony and data about the numbers of deaths caused by non-use of safety belts.
- A law enforcement officer with accident reconstruction experience.
- An advocate familiar with interest of the committee members who can tailor the data being presented.
- An individual with an experience that puts a face on the issue. In one case, this person, who suffered a tragic loss, had tremendous impact in reminding legislators of commitments they made to support the passage of the primary safety belt law.

There were situations that warranted additional testimony to answer some of the specific concerns the opposition had about the possibility of minority harassment as a result of primary enforcement. In more than one state, high level law enforcement personnel testified on the role of equitable application in the enforcement of traffic safety laws and detailed specific history and programs already in place to prevent discrimination.

Speakers were typically limited to five minutes of testimony. When supporters explored what made testimony effective, they found that legislators typically allotted no more than a few minutes of active listening to any measure, especially one involving traffic safety. There were a great many bills heard on the floor and in committee, leaving little time for extended testimony. Therefore, witnesses were counseled to be brief.

In one jurisdiction, it was persuasive to have the leader of the Assembly visit the Senate in order to give personal testimony in support of standard enforcement. Admittedly unusual, the charismatic nature of this lawmaker created compelling listening for the Senators.

Testimony from specific Federal agencies and law enforcement officials dealing with perceived opposition was very carefully considered. Several jurisdictions found it counterproductive to introduce testimony concerning opposition arguments that had not yet been expressed. Some legislators and supporters were not even aware of any controversy until speakers tried to defend the safety belt legislation as non-prejudicial and non-intrusive upon individual rights.

E. Legislative Staff Analyses

In most legislatures, committee staff analyzed the bill and made a recommendation for the committee's vote. If the analyses were favorable, the committee members were more likely to vote for the legislation, despite their personal predispositions. In some cases, objective analysis was sufficient to generate legislators' support.

Term limits and the increased volume and variety of bills increased some legislators' dependence on legislative staff to provide concise information and perspectives.

F. Coverage Provisions

Most successful jurisdictions minimized anticipated conflict by drafting primary legislation that only deleted the “secondary law” provision, allowing “standard enforcement.” While this tactic resulted in weaker than optimal bills, it worked to avoid derailment on corollary issues.

In several states, the provisions of the secondary law were lifted intact to form the core of the primary law. Given that the secondary bills had generated the baseline political support necessary for passage, the areas of opposition to the primary bill were minimized.

G. “Clean-Up” Legislation

In several cases, “clean up” legislation was enacted in following sessions that reduced the scope of the exemptions. The exemptions that were narrowed fell into several common categories, including seating positions covered, type of vehicle and use of vehicle. The basic exemptions were profiled in the following way:

Seating positions exempted: Backseat Passengers

Vehicles exempted: Farm vehicles, including pick up trucks
Taxicabs
Delivery vehicles
Law enforcement officers on official business

H. Civil Liberties Provision

In two jurisdictions, language that was drafted into the body or preamble of the bill explicitly protecting individuals from harassment or unwarranted searches was crucial to demonstrate legislators’ commitment to minority concerns. By overtly recognizing harassment concerns, legislators were able to build consensus on the primary enforcement provision.

I. Sunset Provision

California’s use of a sunset provision was effective in addressing harassment concerns and providing a reason for uncommitted legislators to vote for the bill. The three-year time period before the law would have to be re-enacted provided the opportunity to monitor for harassment. If the law did not work as promised, legislators could allow it to die without the need to reconsider it.

J. Existing Secondary Safety Belt and Child Passenger Safety Sanctions

Opposition was minimized by maintaining the same fine structure as the secondary bill. There is diversity of opinion regarding the imposition of high fines and points. While some driver surveys have indicated that relatively high fines and assignment of points would be needed to get full-time compliance, in five jurisdictions success in passing legislation was due, at least in part, to the fact that legislators did not attempt to increase fines or add points for first-time offenders. In order to generate broader support for a primary law, Oklahoma even reduced the fine from \$32.50 to \$20.

The obvious exception to the minimalist approach to belt legislation was the District of Columbia. The District's recent enactment of a strict primary safety belt use law included a \$50 fine and the assignment of two points. The District's existing Child Passenger Safety law included the assignment of two points and the belt law sponsors positioned this inclusion as "simply what we do with passenger safety laws." The individuals who drafted the District's legislation included points, expecting that the points would be bargained out of the legislation. The legislators were never asked to compromise, and the points remained.

In five jurisdictions, raising the fine or adding points for a safety belt violation would have presented insurmountable barriers to passing the bill.

1. Fines

Key political players generally expressed the belief that keeping safety belt violation fines low had multiple benefits: A low fine reinforced the message that the violation was a public safety concern, not a revenue generator. In two jurisdictions, while the fine for first offenses was kept low, the fine for subsequent violations was higher. Law enforcement officers were thought to be more likely to issue citations for safety belt violations if the fine was considered moderate. In fact, several jurisdictions experienced officers' reluctance to issue citations for belt violations that carried fines they thought were unfairly high when added to the costs of a primary violation. Even when tickets were written, judges often dismissed the citations for belt violations.

Changing the law's status to primary enforcement met some law enforcement officers' interests by conveying the message that the violation was serious; for them, the fine did not need to be raised.

There was discussion that too low a fine would be considered a low priority by police and therefore undercut the importance of compliance. However, the overwhelming consensus in this investigation was that primary enforcement would convey the appropriate message, regardless of the amount of the fine.

2. Points

Some legislators believed that the assignment of points has a disproportionate impact on the poor. The perception was that a higher percentage of the working poor have jobs requiring driving—thus, a higher percentage of delivery and service vehicles are driven by individuals who would be considered the working poor. These individuals would suffer significant harm from the financial repercussions of the assignment of points as well as the potential for the loss of their livelihood with the loss of their license.

In addition, legislators in California believed that any discussion of the use of points as a sanction would draw the opposition of the Teamsters Union. In California, the Teamsters had a history of active opposition to any sanction that might impact truckers' livelihood and the assignment of points could result in the loss of a trucker's license. The potential for the Teamsters' opposition reinforced legislators' belief that using points as a sanction would not be viable.

Given concern for its feared impact, assigning points for a safety belt violation was considered politically unviable in five jurisdictions. The District of Columbia, which already had a points sanction for violating its child passenger provision law, included a two-point sanction in its primary laws.

K. “Horse-Trading” for Other Legislation

In the majority of cases, true believers in individual rights were not persuaded by the arguments discussed; many were, however, persuaded to support the legislation through the political process by agreeing to compromise. In some states, the sponsor of the bill wielded so much control over the members that opposing the sponsor’s interests was not considered politically prudent. In other cases, key legislators were able to make deals on legislation unrelated to the safety belt bill. Unrelated legislation, other traffic safety legislation, and committee assignments of bills all came into play in the negotiation of political support. In the end, if the leadership wanted the bill, arms were twisted, the deal was done.

As with any legislative process, the prominent issues on the floor at the time play a role in the trades that are available. As illustrated below, several different combinations of trade-offs were used successfully in the legislative process.

1. Linked to related, yet broader, issues affecting traffic safety

When multiple issues affecting similar constituencies were in play, passage of any one issue was tied to the outcome of the overall negotiations. Powerful combinations were bundled in a manner in which the overall outcome met multiple needs. This bundling of issues was especially effective when dealing with insurance industry restructuring and tort reform. In particular, it was a way to parlay the significant resources of the insurance and automobile industries behind belt legislation. California pulled its new primary safety belt law out of a complex insurance reform bill to create a stand alone bill. The likelihood of passage for the stand alone safety belt component increased dramatically.

2. Issues linked only by political necessity

Old-fashioned “horse trading” of votes for unrelated bills played a crucial role in building support for the passage of the primary safety belt bill. The combination of the interests of key players determined the outcome of some safety belt legislation where prior years’ defeats had set the stage for eventual passage. Passage was seen as an iterative process, with some years more likely to favor passage than others, based on the interests and priorities of state legislator leadership. Legislators clearly understood the political agenda; for example, in Maryland, one year was the Governor’s year to focus on gun control. In that case, legislators backed off traffic safety initiatives with the understanding that traffic safety would take priority during subsequent legislative sessions.

L. Political Persuasion

Because passage of the safety belt law was a political process, opportunities and challenges sometimes had little to do with the legislation’s content. Situations existed where the raw power of a pivotal legislative player or important special interest group directed legislators’ votes on the shape and timing of the safety belt bill. Working within the legislative power structure optimized the selection of appropriate sponsors, committees, and timing.

M. Non-Belt Issues as Opposition

In several jurisdictions, safety belt legislation did not face organized opposition, in part due to the competing legislation. Organizations most likely to oppose the belt bill were occupied with legislation that more directly affected their interests, such as gun control or helmet repeal measures. This diffusion of effort limited the amount of available resources directed against safety belt legislation.

In most states, individual rights activists had limited resources to address all the legislation they perceived as harmful. In several states, explicit priorities were set with regard to the use of those resources. In one state, activists believed that proposed gun control legislation had greater impact on individuals' rights than safety belt legislation. In another state, the decision was made to focus on motorcycle helmet repeal legislation.

Nationwide, the National Motorists' Association (NMA) actively opposed traffic safety initiatives that it perceived as government intrusion. In one state, the NMA's efforts to prevent a primary belt law were diffused by its commitment to competing auto related legislation, including raising speed limits.

In each of these cases, the limited resources played an integral role in defining the level of effort individual rights advocates could employ in the opposition of the safety belt legislation.

1. Motorcycle helmet legislation

Organizations such as ABATE, which oppose many traffic safety initiatives on the grounds of government intrusion, had expressed opposition to primary safety belt legislation. While ABATE was actively engaged in the political process regarding motorcycle helmet legislation in Georgia, its ability to respond actively to safety belt legislation was muted. Given resource limitations, ABATE maintained its focus on motorcycle helmet legislation. The organization's structure and energy was in place, however, to shift its focus to broader issues if resources become available.

2. Gun control legislation

While individual rights advocates focus was legislation that affected gun ownership and use, these groups opposed safety belt legislation on the same government intrusion grounds. The priority for these activists was clearly gun control. Explicit trade-offs were made in the distribution of resources to a variety of political issues; safety belt legislation was not considered a high priority.

VII. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

In each jurisdiction, the legislative history illustrated the complexity involved in passing legislation. The ability to recognize and to capitalize on opportunities when they arose was crucial to the effective management of the legislative process. In some jurisdictions, safety belt legislation passed in a session in which its supporters did not anticipate passage; in other jurisdictions, the legislation failed in a session in which passage was expected. These experiences — and the effects they had on the process — led to the following conclusions and recommendations:

1. Clarify the overall legislative objective.

In the jurisdictions studied, the focus of the legislation was to codify the primary enforcement standard. With that focus, vehicle class exemptions, passenger seating exemptions, and low fines were typically considered acceptable compromises. In circumstances where the objective was not clear, miscues and misdirection on acceptable areas of compromise caused friction between supporters.

2. Understand the unique complexity of each political situation.

No simple, single strategy was effective across jurisdictions. Politically astute legislative advocates were able to capitalize on opportunities as they arose. To effectively influence the legislative process, supporters and opponents of the legislation had to understand who the players were and what leverage was available. Activists had to see the big picture, know the strategies and tactics of each side, and understand the history and context in which this specific legislation played out. The Governor's agenda, legislative experience with prior traffic safety initiatives, competing legislation, and powerful, charismatic individuals in support of or opposition to the bill all had direct impact on the ability to enact a primary safety belt law.

3. Identify and respond to opposition arguments.

Legislative opposition was primarily fueled by concerns related to the potential for the harassment of minorities and government infringement on individual rights. This opposition was typically voiced by outspoken individuals and groups that represented a narrow range of public opinion. By understanding opposition arguments and motivations, supporters were able to identify opportunities for persuasive compromise and/or vote-changing leverage. The responses to these concerns included the promise by senior law enforcement officials of equitable enforcement, the inclusion of a sunset provision, the careful crafting of the bill's language to recognize harassment concerns, and statistics illustrating the amount of lives and tax dollars saved through the use of safety belts.

4. Identify barriers not directly related to overt opposition.

In many cases, prior failed attempts to pass primary legislation had little to do with organized opposition and more to do with poor political timing or strategy. In some cases, the assignment to a particular committee whose chair was not a strong supporter of traffic safety measures was enough to stymie legislative efforts. In other cases, the priorities of the Governor's agenda determined whether any traffic safety measure would be considered during a session.

5. Implement a variety of useful legislative techniques.

Approaches that worked in some states did not work in others. In order to be successful, strategists had to be cognizant of emerging opportunities and threats. In some situations, trading support for other pending legislation was effective; in others, crafting legislative compromises, e.g., sunset provisions or low fines, was effective.

6. Identify opportunities for organizations and/or individuals to play effective roles.

Effective coalitions were able to identify when, and in what way, a coalition partner could be useful. At times, having the lobbyist with the right relationship with the right legislator was crucial to moving the legislation out of committee. At other times, having senior law enforcement officials directly address specific concerns was essential. National organizations were, at times, able to share other states' experiences and provide funding that enabled coalitions to maximize their efforts based on that experience.

7. Capitalize on dramatic incidents which affect political will.

In several states, a key legislative player's experience in a car crash affected that individual's political commitment, either intensifying or generating support for the primary legislation. In other states, individuals who suffered losses as a result of not buckling up became persuasive spokespersons because they could put a face on the consequences. High visibility, dramatic events often helped to mobilize support for the legislation. For some legislators, information such as statistics and names of individuals killed from their home district was the most persuasive.

B. Recommendations for the Future

Additional research into the impact on compliance of a variety of legislative options would help to maximize the effect of safety belt legislation. Determining the mix of sanctions (e.g., fine levels, points assessed) and exemptions (e.g., seating positions, vehicle class) that would increase safety belt use, but not deter enforcement, is crucial to reaching the goal of 85% compliance by the Year 2000.

While the focus of the recent legislation was to raise the standard of enforcement, further research is necessary to identify combinations of elements that would increase compliance. For example, some behavioral research has shown that seat belt use might increase if fines increased and penalty points assessed. However, this study found that in many jurisdictions, the primary law would not have been passed if fines were increased and penalty points assessed. Additional research could provide insight into the compromises necessary to pass an upgraded primary law.

Providing research-based training and insights to states in the midst of safety belt legislative efforts may help to maximize the results of those efforts. In addition, documenting the history of post-primary belt law upgrade provisions might provide insights into the process of developing effective belt use laws.

Research examining the legislative process in states where concerted belt efforts have failed would identify additional barriers to passage, including different opposition strategies. Selective legislative histories might be conducted in states that have tried unsuccessfully to pass primary belt laws, for example, against the opposition of a Governor, an organization like ABATE, or other obstacles not encountered in this project.

Research exploring the generalizability of the legislative experience in safety belt legislation may provide information that is useful for other legislative initiatives.

Research exploring the successes and failures of various state-level belt law coalitions, in terms of participant mix, leadership, funding, volunteer use, multi-year cohesion and other key characteristics might help to maximize coalitions' effectiveness.

C. A Final Note

In sum, there are significant challenges in passing legislation strong enough and soon enough to achieve the target safety belt usage rates of 85% in 2000 and 90% in 2005. A primary enforcement provision will be the key law-making foundation for likely increases.

VIII. APPENDICES

A. Model Safety Belt Law

Thank you for requesting a copy of the National Committee's

MODEL STANDARD SAFETY BELT LAW

(APPROVED - 7/25/97)

NCUTLO

This model project was begun as a result of requests from member states, traffic safety leaders, the federal government and the public to respond to the challenge of making our nation's roads as safe as possible through the use of safety belts.

Organizations who have provided input and assisted with the development of this Working Draft include: **Air Bag Safety Campaign, Archer Analysis and Advocacy, Insurance Institute for Highway Safety, National Association of Governors Highway Safety Representatives, National Committee on Uniform Traffic Laws and Ordinances, National Highway Traffic Safety Administration, National SAFE KIDS Campaign, and the National Transportation Safety Board.**

This draft is now an official product of the National Committee on Uniform Traffic Laws and Ordinances. This model law may be considered by the full National Committee for inclusion in the Uniform Vehicle Code.

The process utilized to develop this model draft included numerous written revisions and lively discussions aimed at creating a model which will be useful to the largest number of legislatures. The Task Force completed a draft, which was circulated for nearly four months of comment. When all comments were received, the Task Force reconvened and addressed each comment, resulting in the draft included here.

The overall purpose of the Task Forces in drafting these model laws was to provide guidance to those states wishing to redesign their restraint laws. The Committee recommends that states review their current safety belt and child restraint laws to see if gaps exist and if adoption of this model or the Model Child Restraint Use Law could assist in removing those gaps.

One final note...we would like to hear from you if you choose to utilize this model. We would appreciate your sending us the basic information on its use, such as name and affiliation of user, editing and drafting changes, and specific plans for use. And, of course, should you be successful in passing legislation based on this draft, we would like to receive a copy of your new law.

For further information, response materials or to comment on this law, please call, fax, e-mail at NCUTLOCEO2@msn.com or write to: the **National Committee on Uniform Traffic Laws and Ordinances (NCUTLO)**, 1-800-807-5290, at the address to the right.

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THE NATIONAL COMMITTEE'S Model Standard Safety Belt Law

9/7/97

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.^{1,2}

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

¹ ***Drafters' Note:*** In the absence of limitations on enforcement, all laws authorize standard ("primary") enforcement. Consequently, no special language is needed to authorize primary enforcement of seat 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.

² This model law 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 noncompliance 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.

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 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.³]

[(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.³]

(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.

³ ***Drafters' Recommendation:*** 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. (4b 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.

Section 5: Exemptions⁴

- (a) The provisions of section (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: Penalties⁵

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].⁶

⁴ 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 and older].”

⁵ ***Drafters' Recommendation:*** 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.

⁶ ***Drafters' Recommendation:*** States may choose to raise the upper limit of the range of fines, but should not consider reducing the lower limit of the range.

B. Interview Summary List

INTERVIEW SUMMARY

THE FOLLOWING INTERVIEWS HAVE BEEN CONDUCTED IN CALIFORNIA

REGIONAL

NHTSA Regional Administrator

Office Of Traffic Safety

- Governor's Representative
- California Director, Office of Traffic Safety
- Legislative Liaison

LEGISLATIVE

Office of Special Representatives, California Highway Patrol

Legislative Liaison, Department of Motor Vehicles

Legislative Advocate, California Peace Officers, Police Chiefs and Sheriffs' Assoc.

Legislative Counsel, California Auto Association

Assembly

- Committee Staffer, Transportation
- Counsel for Speaker of the House, Willie Brown
- Author of AB338, primary seat belt law

Senate

- Staff Director, Transportation Committee
- Committee Staffer, Transportation
- Counsel, Senate Judiciary Committee
- Consultant, Traffic Safety Issues, Judiciary Committee

COALITION TASK FORCE

California Highway Patrol

- Commissioner of California Highway Patrol
- Deputy Commissioner of California Highway Patrol
- Project Director, Seat Belt PAC
- Chair, Law Enforcement Committee
- Office of Public Affairs, California Highway Patrol
- Member, Media Committee
- Captain, Office of Special Projects

Executive Director, Trauma Foundation
Director, Injury Control, Health Services
Manager, Traffic Safety Dept., California State Auto Association
Director, Women in Transportation
President, Women in Highway Safety

The following interviews were conducted in Maryland.

NATIONAL

Director, National Safety Belt Campaign

REGIONAL

NHTSA Regional Administrator
Governor's Rep, Traffic Safety Division, State Highway Administration

LEGISLATIVE

Lobbyists from private industry including insurance

House

Speaker of the House
Vice-Chair, Commerce and Government Matters Committee
Legislative Counsel, Commerce and Government Matters
Opposition Leader, Commerce and Government Matters
Members, Commerce and Government Matters
Opposition, Black Caucus

Senate

Senator, Sponsor of the bill
Chair, Judiciary Committee
Legislative Counsel, Judiciary Committee

COALITION

Executive Director, Maryland Committee for Seat Belt Use
Media Consultant
Lobbyists

OPPOSITION

One who testified at committee hearings

Black Caucus Delegate

Delegates from staunch anti-government communities

THE FOLLOWING INTERVIEWS WERE CONDUCTED IN GEORGIA:

REGIONAL

NHTSA Regional Administrator and Safety Resource Officer

Governor's Rep, Traffic Safety Division, State Highway Administration

Leg. Liaison, Ga. Dept of Public Safety

LEGISLATIVE

House

Senate

Senate Minority Leader

Senate Minority Whip

Senator, strong supporter

COALITION

Media Consultant

GM and Ford Regional Managers of Corporate Affairs, Industry and Govt.. Relations

THE FOLLOWING INTERVIEWS WERE CONDUCTED IN WASHINGTON DC:

REGIONAL

NHTSA Regional Director

Mayor's Representative, Department of Public Works

COALITION

Representatives from the Advocates for Highway and Auto Safety and Citizens Against speeding and Aggressive Driving

Law Enforcement Officer

THE FOLLOWING INTERVIEWS WERE CONDUCTED IN OKLAHOMA:

REGIONAL

NHTSA Regional Director
Oklahoma Highway Safety Office

- Governor's Representative
- Deputy
- Primary Manager
- Public Information Officer

LEGISLATIVE

Sponsor of legislation in the House

COALITION

Chairperson

THE FOLLOWING INTERVIEWS WERE CONDUCTED IN LOUISIANA:

REGIONAL

NHTSA Regional Director
Retired and Current Governor's Representative, Louisiana Highway Safety Council

LEGISLATIVE

House sponsor

COALITION

Law enforcement officer
Public relations specialist

Note: Interviewees may no longer hold the position that they held at the time of the passage of the bill. Titles and roles identified are those held during the passage process.

C. Interview Guide

INTERVIEW GUIDE

| | |
|--------------|-----------------|
| NAME | PHONE |
| TITLE | LOCATION |
| ORGANIZATION | DATE OF CONTACT |
| | INTERVIEWER |

I. Background of Project

NHTSA-sponsored study of recent passage of primary safety belt use laws to help achieve the President's goal of 85% compliance by the year 2000.

Overall project objectives: Five States plus DC in terms of legislative history on move from secondary to primary enforcement of safety belt laws.

Assurance of confidentiality: No one's comments identified in the report. Information will be summarized in an overview of legislative history. Other information will be summarized on an issue basis, not state specific.

II. Interviewee's Perspective and Role

Can you give me a general sense of what the public sentiment was regarding primary belt law passage when this bill was introduced?

Probe: General population supportive? Hostile? Did not know/Indifferent?

How did you come to that perception? e.g., based on polling data/personal experience

Was there an impact or influence of public sentiment?

What was the key impact or influence of public sentiment?

What role did you play in the legislative change from secondary to primary law status in [name study site]?

Probe: Organization's role(s)
Individual's role(s)

What resources did you mobilize to support your position?

Probe: Infusion of funding
Time
Communications

What did the communications consist of?

For example: ads emphasizing polling data
supporting/rejecting argument for safety belt use and
enforcement?

Calls to action for supporters of view?

What resources did you mobilize to counteract the other side's position?

What do you think could have been effective but that you didn't or
couldn't do – e.g., for lack of resources; availability, knowledge

Anything else you would do differently?

What would you advise others to do to

- generate support for passage?
- generate opposition to passage?

III. Perception of Key Players

Who would you identify as the key players -- and their positions -- in that legislative change?
(Unaided)

Key players

People

Organizations

Probe: Supporters of the change
Opponents of the change

Who were your key allies?

Who else provided support?

What coalitions formed to pass the law?

Did the different coalitions -- on the same side of the issue -- work together?

Why or Why not?

How well did the work together?

How did the coalitions work at different points in the legislative process?

Who were the leaders? What made them effective?

Probe: Beyond charisma -- organization skills, diplomacy, negotiation skills, public speaking?

Focus on individual component: For each of the above --

Probe: What arguments in support of their view were used?

How did they communicate their view?

What approaches did they use?

Probe: Stress obstacles and conflicts and how they were overcome

How did the other side react to that approach?

How effective do you think that approach was?

What do you think could have made their effort more effective?

Persuasive? Cheaper? Faster?

Do you think there were more effective ways to counteract their opposition or handle legislative obstacles?

How was the opposition vulnerable?

IV. Perception of Key Events Leading to Primary Law

Sequence of events: overview of legislative and social history

Prior failures to pass

Critical events in eventual passage

Committee process – coalition building – fund-raising – hiring lobbyist

What changes took place in the process that led to the bill's successful passage?

Probe for the relative importance of each of the following:

Grass roots organization efforts (from either perspective)?

Incident? High profile crash?

Charismatic leader – either legislatively or organizationally?

Do you perceive that the process was more “bottom up” or “top down” in terms of building support for the primary bill?

V. Perception of Key Obstacles to Passage

What were the challenges or obstacles you typically faced in generating support for or opposition to the passage?

How did you address those obstacles?

What ways did you find effective in addressing those obstacles or barriers?

What other challenges did you see – Who faced those challenges? How were they handled?

What trade offs did you make to get legislation passed/stopped?

Were there trade offs made in the legislative language that was used?

Probe: Lower fines

Exemption of vehicle class (e.g., pick up trucks)

Other and seemingly unrelated bills (traded language)

Sunset provisions

Exclusion of backseat occupants

No points assigned

No safety belt defense for insurance claim reductions

How were these compromises reached?

Why did advocates settle for weak primary laws?

VI. Aided inquiries regarding roles of components

These areas will likely emerge in the discussions above – if not, probe:

A. Role of Key Legislators

Sponsors of the bill in the House and Senate

Legislative leaders (supporters of the bill/opponents of the bill)

Were there any specific – or special – characteristics of the state legislature that had an impact on the strategies/obstacles or success of the legislation

B. Role of Key Grassroots Organizations

e.g., ABSC (Airbag Safety Coalition)

C. Role of NHTSA/Governmental Support

e.g., Operation Buckle Down
Traffic Safety Now
sTEP

D. Role of lobbyists

Funding sources and perspectives
Ability to work with grass roots organizations

E. Role of Media

What role did the media play in the process?
How effective was the media? In what way?

What role could the media have played?
How might you have brought that about?

Are there certain media do's or don'ts that you note for others involved in the process?

F. Role of community activists

Police
Insurance companies
Medical community

VII. Referrals

Most of this should have been picked up in the above discussion of key people and organizations, but probe:

Who else do you think it's important for us to talk with? Why them?
Probe: key roles and perspectives

Are there any clip files, testimony records, or other key documents that would help strengthen this legislative history?

D. Interview Protocol

INTERVIEW PROTOCOL

TO: L+A AND PRG INTERVIEWERS
FROM: NAN RUSSELL HANNAPEL, L+A
DATE: 17 OCTOBER 1997
RE: INTERVIEWS FOR NHTSA-SPONSORED RESEARCH REGARDING THE LEGISLATIVE HISTORY OF PASSAGE OF PRIMARY SAFETY BELT USE LAWS

To reiterate our basic objectives and commitments:

- We seek to understand the legislative process and all perspectives' involvement in that process.
- We are to explore relevant legislative strategies, tactics, negotiations, and political incentives and disincentives
- We are to identify key legislative obstacles – including opposition, indifference – as well as how each was anticipated, avoided, addressed or ignored.

Procedure:

Initial contacts in each jurisdiction are to be with the NHTSA Regional Administrator and the Governor's Highway Safety Representative. Contacts generated through interviews with these initial contacts should represent a wide spectrum of individuals and organizations involved in the safety belt use law legislative process. Including:

- State legislators and staff
- Executive branch players, including, where appropriate, the Governor and staff, state highway safety office, and other state agencies
- Grassroots efforts associated with local efforts, including distinctive efforts by state national level associations and groups

As a reminder, some of the key players may no longer be in place – and we will need to find current contact information for them.

Key areas of inquiry include:

- Difficulties encountered among organization sand individuals who were working toward the same goal, including planning, consensus building, ongoing coordination and conflict resolution within the traffic safety community
- Subjective evaluations of the effectiveness and efficiency of the key players and key campaign activities in passing the primary law.
- Indications of pressure points throughout the legislative process. What strategies were necessary/appropriate/effective at different points in the process.

To provide points of reference and context, the roles and effectiveness of varying players in the process must be explored. For each topic area, please probe the following:

| | |
|---|--|
| Supporting Organizations | |
| <p>State Associations and Coalitions:</p> <p>Air Bag Safety Campaign Law Enforcement Associations Insurance company Associations Medical Associations Public health Associations Nursing Associations Safe Kids Coalition MADD Others, as appropriate</p> | <p>Local Chapters/Members of State Associations</p> <p>Police Departments Insurance company agents Doctors Hospitals Public Health professionals Nurses – Trauma and EMTs MADD Chapters Local – non-NHTSA traffic safety programs</p> |
| Opposing Organizations | |
| <p>ABATE: national, state and local</p> <p>National Motorists of America</p> <p>Media spokespersons (including newspaper editors) for media that oppose</p> <p>Others, as appropriate</p> | |

| | | |
|---|---|--|
| <p>Role of Media:</p> <p>Influence public opinion: In what way? How measure that influence?</p> <p>Media cited by legislators? Generate public pressure?</p> | <p>Timing: Pre-Legislative Session During Session</p> <p>Key milestones: Committee votes</p> | |
| <p>Newspaper</p> | <p>Form:</p> <p>News stories</p> <p>Editorials</p> <p>Letters to the editors</p> <p>Public Opinion polls</p> | <p>Content:</p> <p>PI&E on benefits of belts</p> <p>Enforcement results Crash results</p> <p>Coverage of political process</p> <p>Expression of opinion (pro/con)</p> |
| <p>Television</p> <p>Network Cable</p> | <p>Form:</p> <p>News stories Talk shows PSAs</p> | <p>Content:</p> <p>PI&E on benefits of belts</p> <p>Enforcement results Crash results</p> <p>Coverage of political process</p> <p>Expression of opinion (pro/con)</p> |

| | | |
|--------------|--|--|
| Radio | Form: News stories Talk shows PSAs | Content: PI&E on benefits of belts Enforcement results Crash results Coverage of political process Expression of opinion (pro/con) |
|--------------|--|--|

E. Selected Bibliography

Task II: Legislative History of Primary Belt Laws Documents Reviewed

Document Application Source

State Specific: Study Sites

California

"Evaluation of California's Safety Belt Law Change from Secondary to Primary Enforcement." Ulmer, R., Pressuer, C., Pressuer, D., Cosgrove, L. *Journal of Safety Research*, Vol. 26, No. 4, pp 213-220. Winter 1995.

"Evaluation of California's Safety Belt Law Change to Primary Enforcement." NHTSA, DOT HS 808 205. December 1994.

Louisiana

"Evaluation of Louisiana's Safety Belt Law Change to Primary Enforcement." DOT HS 808 620. September 1997.

Georgia

"Evaluation of Georgia's Seat Belt Law Change to Primary Enforcement." R. Ulmer, C. Pressuer, D. Pressuer. September 1997. [Not for release]

Oklahoma

"Executive Summary. 1997 (Winter) Oklahoma Seat Belt Observation Study."

Other

"Maximum Impact: Passing Laws with Minimum Resources Tools for Modifying the Arkansas Safety Belt Law." Reece & Associates. [Specific references to key selling points in Arkansas. Includes sample letters.]

"Influencing Public Policy for Better Safety Belt Laws." Reece & Associates [Step by step grassroots manual applied to belt laws]

State Specific: Non Study Sites

"Repeal of the Massachusetts Seat Belt Law." Hinson, et al. May 1987.

"What Happened in Massachusetts and Nebraska to Safety Belt Use Law." John Eberhard.

"Understanding and Acceptance of the North Carolina Safety Belt Use Law" William Hunter, Shirley Geissinger. February 1988.

Non-Site Specific Information on Primary

"The Case for Primary Enforcement of State Safety Belt Use Laws." NHTSA. DOT HS 808 257. March 1995.

"Maximum Impact: Passing Laws with Minimum Resources." Reece & Associates. [Overview of potential areas of impact on public policy and general guidelines for implementation.]

"Seat Belt Use Laws: The Influence of Data on Public Opinion." Anna Schenck, Carol Runyan, Jo Anne Earl. *Health Education Quarterly*. Vol. 12(4): 365-377. Winter 1985.

"Buckle Up America. The NHTSA's Strategic Plans for Regional Initiatives to Meet National Occupant Protection Goals. Final Version." September 1997.

"Summary of Research Conducted for Air Bag Safety Campaign" Public Opinion Strategies. 8 April 1997.

"Attitudes Concerning Safety Belt Laws." NHTSA Motor Vehicle Occupant Safety Survey. January 1997.

"The National Strategy to Increase Seat Belt Use. Executive Summary." 28 December 1996. [President Clinton's initiative for increasing seat belt use nationwide]

"Model Standard Safety Belt Law." National Committee on Uniform Traffic Laws and Ordinances. 7 September 1997.

"Air Bag Safety Campaign Standard Safety Belt Law Point - Counter Point." January 1997. [Responses to arguments against primary laws]

"Safeguarding the Motoring Public: The Case for Strengthening Occupant Protection Laws." [Fact Sheets- dated approximately November 1995. Unattributed source.]

"Seat Belt Use Facts." 3 October 1997. NHTSA. [Outlines current status of belt laws and NHTSA's plan for future]

"Background and Assumption for estimating the Impact of Standard Enforcement Laws." NHTSA. 18 March 1997.

Bills and Related Analysis

California

"Assembly Bill 338." California State Legislature. 6 July 1992 [Original Primary Safety Belt Law]

"Assembly Bill 1400." California State Legislature. 3 August 1995. [Permanent Changes to the Primary Safety Belt Law]

Louisiana

"House Bill 1350." Louisiana State Legislature. 20 June 1995. [Primary Safety Belt Law]

"Amendments to House Bill 1350." Louisiana State Legislature. 15 May 1995. [5 Amendments to the Primary Safety Belt Law]

"House Bill 2267." Regular Session 1997. Louisiana House of Representatives. [Amendment to Safety Belt Law to include exemptions]

Georgia

"Senate Bill 606." Georgia State Legislature. 8 August 1996. [Child Safety Restraint, Speed Limit Increase and Primary Safety Belt Law]

"House Bill 1360." Georgia House of Representatives. 24 January 1996. [Amendment to Safety Belt Law regarding penalty provisions]

"Senate Bill 646." Georgia Senate. 14 February 1996. [Amendment to Safety Belt Law regarding penalties for violations]

"House Bill 701." Georgia House of Representatives. 13 February 1995. [Child Safety Restraint Law]

District of Columbia

"DC Law 11-244." Council of District of Columbia. 14 December 1996. [Mandatory Use of Seat Belts Amendment Act of 1996]

Maryland

"House Bill 816 Bill Analysis." Commerce and Government Matters Committee, 1997 General Assembly of Maryland.

"Senate Bill 167." Maryland State Legislature. March 1997. [Vehicle Laws- Seat Belt Offenses]

"Senate Bill 167 Testimony of Senator Ida G. Ruben." House Commerce and Governmental Matters Committee. 19 March 1997. [Vehicle Laws- Seat Belt Offenses]

"House Bill 816 Legislative History." 1 December 1997.

"House Bill 816." Maryland State Legislature. 8 March 1997. [Primary Safety Belt Law]

"Legislative Branch of Maryland." [How the Maryland State Government Works]

Oklahoma

"House Bill 1443." Oklahoma State Legislature. 29 May 1997. [Primary Safety Belt Law]

"House Bill 1443 Legislative History." 1997 Regular Session. Oklahoma State Legislature.

Coalition Reports

California

"Seven Reasons Why Police Agencies Should Have a 3-Point Safety Belt Policy." California Safety Belt Task Force. 1990.

"Model Occupant Protection Program for Police Traffic Units." Law Enforcement Committee, California Safety Belt Task Force. May 1987.

California Safety Belt Task Force. [Passing Primary Seat Belt Legislation]

"Blueprint for Occupant Protection Programs." California Office of Traffic Safety. February 1996.

Buck Up Coalition. 1992 Summer Campaign, NHTSA Region IX. San Francisco, CA.

Louisiana

Louisiana Safety Belt Use Coalition. 1995. [Louisiana Legislative Initiative Passage of a Primary Safety Belt Law]

District of Columbia

DC SAFE KIDS & Metro Police Department Introduction of Primary Safety Belt Law in the District Columbia. 26 March 1996.

Advocates for Highway and Auto Safety Hearing. 25 June 1996. [Hearing held to discuss Bill 11-693, Primary Safety Belt Law]

Maryland

Maryland Safety Belt Coalition. 1997 Session. Supporters with language in the information packet: Buckle Up Maryland Air Bag Safety Campaign. [Media Packet from the Maryland Standard Enforcement Seat Belt Law Press Conference]

ABATE of Maryland. Legislative Retreat Results. 13 September 1997.

Oklahoma

Oklahoma Grass Roots Effort for Seat Belt Law Standard Enforcement. Coalitions noted:

American Medical Association

EMS Association

FHA

Oklahoma Association of Chiefs of Police

Oklahoma Emergency Medical Technicians' Association

PTA

SAFE Kids Organization

[Targeted audience of push legislation]

Other

Air Bag Safety Campaign Legislative Summit. Washington, D.C. 14-15 January 1998.

Media Relations Handbook for Conducting DUI/Safety Belt Media Relations. NHTSA Region IX. 1993

"Primary Enforcement." Advocates for Highway and Auto Safety. November 1997. [Air Bag Safety Campaign]

"Stronger Laws Equals Higher Safety Belt Use." American Coalition for Traffic Safety. 14 January 1998. [Air Bag Safety Campaign]

National Motorist Association Objectives [www.motorists.com]

Newspaper Articles, Press Releases and Media Clips

California

"Seat Belts Often Take a Back Seat." LA Times, CA. 4 December 1997.

Louisiana

"Primary Seat Belt Law Will Reduce Youth Deaths and Save Tax Dollars." News Release: Louisiana Safety Belt Coalition. 19 April 1995.

Georgia

"Georgia Seat Belt Laws." 12 December 1997. [usww.com]

District of Columbia

"DC's New Seat Belt Law 'Strictest in Nation', Motorists Can face \$50 Fine, License Penalty if

Anyone in Car is Unbuckled." The Washington Post, DC. 7 October 1997.
"In October 1997, police officers will begin enforcing DC's recently amended seat belt law." NHTSA Reg III. October 1997. [New Requirements of DC's Amended Seat Belt Law]
"Transportation Secretary Slater Commends the District of Columbia's New Seat Belt Law." Press Release Department of Transportation. 30 April 1997.
"New seat belt laws: Will they save as many lives as previous automotive regulations have killed?" Press Release Libertarian Party. 14 May 1997.

Maryland

"After the crash." Carroll County Times, MD. 13 October 1996.
"The dangers of 'secondary enforcement.'" Carroll County Times, MD. 13 October 1996.
Editorial. Carroll County Times, MD. 16 October 1996. [In response to the 13 October 1996 article]
"Seat Belt Sense in Maryland." Washington Post. 1 January 1997.
"Glendening 2 others suffer minor injuries in car crash." The Sun. 19 February 1997.
"There should be a law: Buckle Up." Editorial Carroll County Times. 12 February 1997.
"Maryland Legislators Approve Bill to Boost Maryland's Safety Belt Law to Primary Enforcement Status." Advocates Press Release Saferoads Organization. 12 March 1997.
"Unbelted? Reason enough for a stop." The Sun 13 March 1997.
"Bill to Allow Standard Enforcement of Seat Belt Law Clears Final Hurdle in Maryland General Assembly." Press Release, Air Bag Safety Campaign. 27 March 1997.
"State's new seat belt law will prevent deaths, reduce injuries." The Sunday Capital. 13 April 1997.
"Governor signs seat belt, red light violation laws." The Associated Press. 8 May 1997.
"Governor Glendening and Highway Safety Advocates to Join Shock Trauma Officials to Celebrate New Lifesaving Seat Belt Law." Press Release, R Adams Cowley Shock Trauma Center. May 1997.
"Primary seat belt enforcement needed." Editorial, The Sun. 14 February 1997.
"Primary Buckling. Editorial, Prince George's Journal 7 March 1997.
"Seat belt vote." Editorial, The Sun. 10 March 1997.
"Governor Commends House of Delegates for Passing Primary Seat Belt Enforcement Bill." Press Release, Office of Governor Parris N. Glendening. 12 March 1997.
"Glendening urges Marylanders to buckle up." The Associated Press. 20 May 1997.
"It's the law." Editorial, Frederick News-Post. 27 May 1997.
"Two changes for safety sake." Editorial, Baltimore Sun 5 October 1997.
"Safety Coalition Hails Passage of Lifesaving Seat Belt Bill." Press Release, Air Bag Safety Campaign. 12 March 1997.

Oklahoma

"Keating Signs Seat-Belt Stops Bill." Capitol Bureau.
"Seat Belt Amendments Nixed." World Capitol Bureau.
"Bill to Allow Seat Belt Stops Fails in House." Capitol Bureau.
"Dreams for Millwood Graduate End in Crash." Oklahoman & Times, OK. 18 May 1996.
"House Passes Seat-Belt Bill." Tulsa World. 13 March 1997.
"Senate Approves Bill to Enforce Seat-Belt Law." Tulsa World. 18 April 1997.



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

March 11, 1997

Speaker Casper R. Taylor, Jr.
Maryland House of Delegates
House Office Building
Annapolis, MD 21401

Dear Speaker Taylor:

I understand the Maryland House of Delegates is considering a bill that would upgrade Maryland's safety belt law to standard enforcement, HB 816, tomorrow morning. I would encourage you to support this lifesaving legislation.

Maryland's safety belt use rate for 1996 remained stagnant at 70 percent. A guaranteed method to raise safety belt use rates is to pass a standard enforcement law. States which have upgraded to a standard enforcement law have demonstrated increases in belt use rates between 10-15 points. Such an increase in Maryland would save approximately 57 lives and prevent over 2,000 injuries. These lives saved and injuries prevented would translate to an economic savings of \$134 million in the state of Maryland.

There are some in your House who will no doubt oppose this legislation. Some of them will say this is a violation of their rights or an infringement on the personal freedom of motorists. In truth, it is an imposition on others' rights when society is forced to pay more money in health costs for people who are unrestrained. A 1996 report to Congress by the National Highway Traffic Safety Administration found that the average inpatient charge for unbelted passenger vehicle drivers admitted to an inpatient facility as a result of a crash injury was more than 55 percent greater than the average charge for those who were belted.

It is also worth noting that Maryland already has a safety belt law in effect, but there is still a 30 percent non-compliance rate in Maryland. This bill would do nothing more to infringe on a person's personal freedom than is already in statute. The only difference HB 816 would provide is that it will provide police officers an opportunity to enforce that law.

There are also some who may be concerned that police will use this as a tool to harass motorists. Police harassment of any kind cannot be tolerated and should be handled in an appropriate manner. However, in the 11 states that currently have standard enforcement laws, there has not been any evidence that police will use this law as a tool to harass motorists. The fact of the matter is that there are already a number of reasons an officer can pull over a motorist. That is why the National Urban League and Willie Brown, Mayor of San Francisco and former Speaker of the California Assembly, support standard enforcement of safety belts.

The members of your chamber have a historic opportunity to save lives in Maryland. I urge you to pass HB 816,

Sincerely,

A handwritten signature in black ink, which appears to read 'Rodney E. Slater', is written over a horizontal line.

Rodney E. Slater

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DOT HS 808 833
January 1999



U.S. Department of Transportation
National Highway Traffic Safety
Administration



NHTSA
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