

2017

FINAL REPORT

MANDATORY SAFETY BELT USE LEGISLATION:  
ALTERNATIVES FOR VIRGINIA LAWMAKERS

by

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Prepared by the Virginia Highway & Transportation Research Council  
under the sponsorship of the Transportation Safety Administration  
of the Virginia Department of Motor Vehicles

(The opinions, findings, and conclusions expressed in this  
report are those of the author and not necessarily those of  
the sponsoring agencies.)

Virginia Highway & Transportation Research Council  
(A Cooperative Organization Sponsored Jointly by the Virginia  
Department of Highways & Transportation and  
the University of Virginia)

Charlottesville, Virginia

January 1986  
VHTRC 86-R27

2018

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## ABSTRACT

This report discusses the current environment which would influence the consideration of a mandatory safety belt use law in Virginia.

First, the regulatory context fostered by the U. S. Department of Transportation's issuance of federal motor vehicle safety standard 208 is examined. This rule requires that automobile manufacturers install passive restraints such as airbags or automatic seat belts in all cars by 1989 unless states covering two-thirds of the nation's population enact mandatory safety belt use laws.

Next is a discussion of the provisions of the mandatory use laws in effect in 16 states, along with data from New York and New Jersey, the first two states to enact such legislation. In New York State, safety belt usage increased from around 20% to nearly 78% following the effective date of the law. While the use of belts subsequently declined, it remained two or three times higher than before the law. A significant decline in highway fatalities was also noted following passage of the mandatory use law.

Finally, data on safety belt usage and traffic deaths in Virginia are examined. According to statistics from the Fatal Accident Reporting System, of the 2,154 people killed in highway accidents in Virginia between 1982 and 1984, 2,076 (96%) were not wearing safety belts. Belt wearers, who constitute as much as 20% of the motorists, accounted for only 4% of the traffic deaths. A similar relationship is evident in the data for each of the Department of Motor Vehicle districts in the state.

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## ACKNOWLEDGEMENTS

The author acknowledges those members of the Research Council staff who reviewed and assisted in the preparation of this report. Recognition is due first to Victor Cardwell for amassing the research sources and compiling data from FARS into tabular form. The time and effort he devoted to this report are greatly appreciated.

Cheryl Lynn merits special thanks for contributing her editorial skills to several drafts of the report. Gratitude is also due Charles Stoke, Wayne Ferguson, and Harry Craft for their helpful comments on substance and style. Last but far from least, thanks go to Toni Thompson for typing numerous drafts of the report, and to Jean Vanderbilt for typing the final manuscript.

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MANDATORY SAFETY BELT USE LEGISLATION:  
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INTRODUCTION

Requiring the use of safety belts has emerged in the forefront of highway safety concerns. There is an increasing body of literature detailing and giving statistical support to the safety advantages of using safety belts, including the avoidance of injuries and deaths, which in turn lead to economic savings to society.(1)

In recognition of these documented benefits of safety belt use, state governments began requiring the provision of seat belts in passenger cars in the early 1960's.(2) By 1964, the federal government had joined the states in their promotion of belt use by requiring the installation of seat belts in passenger cars. Since then, federal safety regulations have mandated the installation of safety restraints of increasing sophistication, coupled with devices such as ignition locks and buzzers to encourage their use. Nevertheless, surveys place actual safety belt usage at anywhere from 10% to 20%.(2)

These low usage rates have prompted another chapter in the history of safety restraints. There is debate as to the limits of individual autonomy, the right of government to restrict personal freedom, and the conflict between state and federal powers. The controversy revolves around Federal Motor Vehicle Safety Standard 208 requiring the installation of passive restraints in passenger cars by 1989 unless two-thirds of the nation's population is covered by mandatory safety belt use legislation. The federal action has prompted both action -- as 16 states have enacted safety belt laws -- and resistance, in the guise of litigation challenging the federal regulation and state statutes purposefully failing to meet the minimum criteria of the federal rule. On the individual level, preliminary results indicate that the laws have induced a significant increase in safety belt use, although usage has consistently fallen short of full compliance.

This report presents the regulatory environment facing states considering mandatory usage legislation and provisions of the current state laws, discusses the preliminary impact of the laws on safety belt

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use and highway fatalities, and examines the data on safety belt usage and highway fatalities for Virginia.

## SAFETY BELT LAWS IN THE UNITED STATES

While mandatory safety belt use laws were enacted in other countries as early as 1970, they are a relatively new phenomenon in the United States.(3) Since enactment of the first mandatory use law by New York in 1984, 15 other states have enacted a variety of such laws. This section examines the impetus for the passage of the state safety belt legislation, the content and coverage of the laws, and the preliminary results on the effect of the laws on safety belt usage and highway fatalities.

### The Impetus for Mandatory Use Laws

The recent consideration and passage of safety belt bills by numerous states have been spurred by both the concerns with highway safety as exemplified in the resurgence of drunken driving laws and by Federal Motor Vehicle Safety Standard (M.V.S.S.) 208 adopted in 1984 by the United States Department of Transportation (DOT) under Secretary Elizabeth Dole. The safety standard mandates a phasing in of the requirement that manufacturers equip their passenger vehicles with air bags or other passive restraints (such as automatic seat belts) beginning in September 1986. The schedule requires that all cars have passive restraints by the 1989 model year.(4) However, the requirement will be rescinded if two-thirds of the nation's population is covered by mandatory safety belt use legislation by April 1, 1989. For a state's population to be counted toward rescission of the regulation, its mandatory usage law is supposed to contain the following four elements:

1. A minimum fine of \$25 for failure to wear safety belts
2. A program to encourage compliance
3. A legal provision requiring a reduction in damages awarded in civil suits to persons who were not wearing safety belts at the time of the automobile crash
4. A provision limiting exceptions to safety belt use only under medical orders

This "trapdoor" provision has engendered considerable controversy. On the national legislative front, U. S. Senator John Danforth (R-Missouri) has introduced a bill (S.864) that would require the

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installation of airbags -- with no alternative restraint systems allowed -- on the same schedule as the DOT regulation. Moreover, the airbag requirement would remain in force regardless of the states' passage of mandatory use laws.(5)

M.V.S.S. 208 has also been challenged in court. A consortium of insurance industry representatives, supported by health groups and individual states as amici, has filed suit in the U. S. Court of Appeals for the District of Columbia.(6) The primary issue in the legal challenge concerns the potential illegality of allowing a federal safety standard to depend on the actions of state legislatures. Because the rescission of M.V.S.S. 208 is linked to the fraction of the national population covered, it would be possible for the regulation to be revoked on the basis of decisions made by only 16 states. A second issue is whether the trapdoor provision was a result of "arbitrary and capricious" action by the DOT under the Administrative Procedures Act.(6)

The disposition of the lawsuit has been delayed by the death of one of the judges on the appellate panel that heard the case.(7) The delay in the announcement of the result has, in turn, affected the implementation of the regulation. Pending the outcome of the litigation, Secretary Dole has refused to evaluate the safety belt laws of individual states to determine whether they meet the criteria of M.V.S.S. 208 and thus count toward the rescission of the rule.(8) The status of the national passive restraint standard in relationship to state enactments of mandatory safety belt use laws is thus still uncertain.

#### Elements of Safety Belt Use Laws

The provisions of the safety belt laws which have been enacted by different states illustrate the variety of features available for consideration, as well as the ability of state legislatures to either prevent or trigger the rescission of the federal safety standard. Table 1 displays the major provisions of the mandatory use laws of the 16 states which have enacted such legislation.

#### Occupants Covered

Most of the laws cover only front seat passengers. Those of New York and New Mexico also require rear seat passengers under 10 years old to wear safety belts. California and Massachusetts are the only states whose laws cover all passengers. It should also be noted that many of the laws do not affect young passengers, who are already covered by the child restraint laws in effect in all 50 states.

TABLE 1

## PROVISIONS OF MANDATORY SEAT BELT LAWS IN THE UNITED STATES

State	Effective Date	Occupants Covered	Responsibility	Secondary Enforcement Only	Exemptions	Maximum Penalties	Civil Liability/Damage Reduction	Other
California	1/1/86	All	D for 4-16 Yrs.	Yes	M,C	\$20 1st Off. & Traffic School; \$50 Subsequent Offense	No	Void if 208 Rescinded
Connecticut	1/1/86	F	D for 0-16 Yrs.		M,C,E,A	\$15	No	
Dist. Of Columbia		F		Yes		\$15		Void if 208 Rescinded
Hawaii	12/16/85	F	D for 0-15 Yrs.		M,B	\$15		
Illinois	7/1/85	F	D for 0-16 Yrs.		M,C,S	\$25	No	
Indiana	1/1/87	F	Occupant	Yes	M,C	\$25 as of 7/1/87	No	
Louisiana	7/1/86	F	Occupant		M,C	\$25 as of 8/1/86	Yes/Max. 2%	
Massachusetts	1/1/86	All		Yes	M,B	\$15	No	
Michigan	7/1/85	F	D for 0-16 Yrs.		M	\$10 Until 1/86, \$25 After 1/86	Yes/Max. 5%	Void if 208 Implemented
Missouri	9/28/85	F	D for 0-16 Yrs.	Yes	M,C	\$10 as of 7/1/87	Yes/Max. 1%	Void if 208 Implemented
Nebraska	9/6/85	F	Occupant	Yes	M,C,B	\$25	Yes/Max. 5%	
New Jersey	3/1/85	F	D for 0-18 Yrs.	Yes	M,C	\$20	Yes	
New Mexico	1/1/86	F, R10	D for Rear Occupants		M,C	\$25-\$50	No	
New York	12/1/84	F, R10	D for 0-16 Yrs.		M	\$50 as of 1/1/85	Yes	
North Carolina	10/1/85	F	D for 0-15 Yrs.		M,C	\$25 as of 1/1/87	No	Void if Population Not Counted Toward Rescission
Oklahoma	2/1/87	F			M	\$10 Fine, \$15 Costs	No	
Texas	9/1/85	F	D for 0-15 Yrs.		M,C	\$25 as of 12/1/85	No	

Source: Modified From National Safety Council Policy Update, 9/17/85.

## Abbreviations

F = Front Seat Occupants  
 R10 = Rear Seat Passengers Under 10 Years Old  
 D = Driver  
 M = Medical  
 C = Letter Carrier  
 E = Other Deliveries  
 A = Cars Equipped With Air Bags  
 B = # Belts Exceeds # Occupants  
 S = Vehicles Moving Under 15 MPH

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### Responsibility

Most of the safety belt laws hold the drivers responsible for their own compliance as well as that of the passengers under a certain age (typically 16). The laws of Indiana, Louisiana, and Nebraska make all occupants responsible for themselves, regardless of age.

### Exemptions

Exemptions for medical reasons are allowed by all 16 states, in accordance with the dictates of M.V.S.S. 208. However, most of the laws also exclude postal service letter carriers. Other exemptions include persons who make newspaper and other deliveries (Indiana, Connecticut, California), passengers in vehicles with air bags (Connecticut), and situations where the number of passengers exceeds the number of safety belts (Hawaii, Nebraska, Massachusetts).

### Enforcement

Critics of mandatory seat belt use laws frequently express both a fiscal objection -- belt use requirements would be expensive to enforce, and a safety rationale -- law enforcement officials would be diverted from more serious tasks to apprehend safety belt violators. In response to these concerns, 7 states have provided for only secondary enforcement of the seat belt laws. That is, officers would not seek out violators of the belt usage law, but would enforce the law only if a noncomplying motorist was stopped for some other infraction.

### Penalties

Safety standard 208 requires that the state statute provide for a minimum fine of \$25 if the state's population is to count toward rescission of the regulation. Nevertheless, 6 states (New Jersey, Missouri, Hawaii, Connecticut, Oklahoma, and California) provide for fines of less than the requisite amount. Other penalties include payment of court costs (Oklahoma, Louisiana) or attendance at traffic school for first offenders (California).

### Admissibility of Nonuse for Determinations of Civil Liability

Regulation 208 requires that a state's safety belt law provide for a reduction in any damages awarded to a litigant who was not wearing a safety belt when injured. In the absence of such a provision, the state's population would not count toward rescission. Nevertheless,

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several of the laws do not address the admissibility of safety belt use. Indeed, of the 16 states with a mandatory safety belt law, only 6 (New York, New Jersey, Michigan, Missouri, Nebraska, and Louisiana) provide for the admissibility of evidence of safety belt use in determining civil liability. Four states provide for a maximum percentage by which awards to injured parties may be reduced (Nebraska and Michigan -- 5%, Louisiana -- 2%, Missouri -- 1%).

#### Mandatory Use Laws and the Rescission of Safety Standard 208

The variations in the components of mandatory use laws reflect, in part, conscious mixtures of features in recognition of both safety concerns and the dictates of M.V.S.S. 208. Indeed, some state legislatures have expressly structured their laws to meet the minimum requirements of M.V.S.S. 208. For instance, Michigan and Missouri have provided that their law will be void if the air bag requirement of federal regulation 208 is implemented. Similarly, North Carolina has included a provision that will automatically make the safety belt law void if the DOT does not consider it to meet the criteria of 208 and does not count the state's population towards rescission.

On the other side of the spectrum, California and the District of Columbia have incorporated "sunset" provisions in their statutes, in which the safety belt requirement would be automatically revoked if the DOT does count their population toward rescission of the federal standard. In a similar vein, the Hawaii and New Jersey legislatures selected fines below the minimum allowed by M.V.S.S. 208 (\$25) in order to prevent their laws from triggering the rescission of the regulation. The California and Massachusetts statutes both require all motor vehicles sold in the state to have passive restraints by 1989 regardless of the status of the federal safety standard.

The picture is further complicated by the lobbying efforts of the automobile industry, which is pressing for the passage of mandatory use laws to forestall the air bag requirement. The Roanoke Times and World News reported in September 1985 that Traffic Safety Now Inc., the auto industry's lobbying group, was expecting to spend \$218,000 in Virginia in the coming year to encourage public and legislative support for a mandatory safety belt law enactment.(9)

#### THE IMPACT OF SAFETY BELT USE LAWS

The usage rates following the enactment of a mandatory safety belt law usually follow a predictable pattern. Because of the high media

exposure and public attention that typically accompany the passage of a mandatory use law, usage rates initially increase dramatically. After the initial surge in enforcement and public awareness of the law, usage normally declines somewhat. However, it levels off at a stage higher than the initial rate.<sup>(10)</sup> The data from New York and New Jersey, the first two states to enact mandatory safety belt legislation, illustrate this expected pattern.

New York

New York's seat belt use law was enacted in 1984 before the DOT issued M.V.S.S. 208. The statute covers the driver and front seat passengers as well as rear seat occupants under 10 years old. The driver has responsibility for restraint use by passengers under 16 years old. Except for medical exemptions, nonuse may be considered in determining civil liability. For the first month the statute was in effect (December 1984), enforcement was limited to issuing warnings. On January 1, 1985, enforcement officials were authorized to impose fines of up to \$50.

Because the enactment preceded the promulgation of M.V.S.S. 208, New York has joined the legal opposition to the federal rule, arguing that the regulation creates a paradox whereby in trying to protect its citizens through mandatory safety belt legislation, the states would be contributing to the elimination of needed automatic restraint protection.<sup>(11)</sup>

Safety Belt Usage

According to data collected by the Governor's Traffic Safety Committee in New York State, before passage of the mandatory seat belt law only 16% of the state's motorists wore seat belts. Usage jumped to 69% after January 1985, the effective date of the law.<sup>(12)</sup> In August, usage had declined to 57%.

Comparable usage figures for New York were reported by the Insurance Institute for Highway Safety. Its surveys reported a 29% usage rate before passage of the law, with an increase to 76% in January 1985, and a subsequent decline to 68% in August. Both sets of figures illustrate the expected usage pattern. They also show that usage rates fully 8 months after the operative date of the act remained two to three times higher than before the law went into effect.

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## Fatalities

The New York Governor's Traffic Safety Committee also noted a decrease in highway fatalities in New York State, and attributed the decline to the imposition of the seat belt requirement. Comparing the number of occupant fatalities for the first 6 months of 1985 (438) to that for the same period the previous year (535), the Commission reported a "saving" of 97 lives due to the new law.(12) A comparison of fatalities in New York during the first 5 months of 1985 with the average of the same time period for the previous 5 years shows an even larger decline of 28%.(12) The commission indicated that the decrease in fatalities after enactment of the seat belt law was significant since other factors influencing roadway accidents (alcohol programs and average vehicle speed) were virtually unchanged.

## New Jersey

Effective on March 1, 1985, New Jersey's mandatory use law covers only front seat passengers. New Jersey drivers are responsible for the belt use (or fines) of passengers under 18 years old. Exemptions are granted for letter carriers. The fine of \$20 for nonuse was designed so as not to meet the requirements of M.V.S.S. 208.

In the first 5 months after March 1985, when the law went into effect, state troopers issued 3,600 citations.(8) The National Highway Traffic Safety Administration reports that seat belt usage in New Jersey has increased to 40%, from 18% before the law. The rather modest increase in belt usage, compared to the New York experience, may be due to the fact that the New Jersey law allows only secondary enforcement of violations.

Initial data from New Jersey also indicate a 22% decrease in fatalities, compared to the 5-year average for the same time period.

Preliminary results from the first two states to enact mandatory seat belt use laws thus lend support to the proposition that seat belt legislation can have a positive impact on highway safety by effectively increasing seat belt use and thereby reducing highway fatalities.

## SAFETY BELT USE AND TRAFFIC FATALITIES IN VIRGINIA

This section examines the current data in Virginia on seat belt use and statistics on highway fatalities and injuries, the areas which mandatory seat belt legislation attempts to address.



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### Safety Belt Use

Studies conducted by the Virginia Highway and Transportation Research Council have found that a very small percentage of Virginia motorists choose to wear seat belts. The survey data were collected, beginning in 1974, by observing motorists in selected urban areas. (For a more extensive treatment of the methodology and survey data from the seven surveys conducted, see Stoke, Child Safety Seat and Safety Belt Use Among Urban Travelers.) In 1977, 16% of drivers wore safety belts. The usage rate remained at approximately the same level in 1983 (16%) and 1984 (20%). The most recent data (summer of 1985) place safety belt usage at approximately 26%.<sup>(13)</sup> The surveys also found a correlation between the driver wearing a safety belt and the front seat passenger doing the same.

An entirely different picture is presented in the pattern of observed usage of restraints by passengers under 4 years old during those years. The usage rate for these children jumped from only 10% in 1977 to 67% in 1983 and 69% in 1984. This dramatic rise may have been due to the passage of Virginia's Child Restraint Law, which became effective on January 1, 1983. Further, the studies found that in cars containing properly restrained infants, the other vehicle occupants were more likely to wear their safety belts as well.

Thus, the available data on restraint usage in Virginia show that while a substantial majority of infant passengers are properly restrained, only about one-fifth of the state's motorists currently buckle up. The information on restraint use also illustrates both the positive effect of restraint use by drivers or infants on use by other passengers and the potential impact of a mandatory restraint use law on behavior.

### Fatalities

The data on highway fatalities in Virginia graphically demonstrate that a disproportionate number of people killed in automobile accidents were not wearing safety belts. The figures discussed below and displayed in Appendix A are the cumulative totals for 1982-84 provided by the Fatal Accident Reporting System (FARS). While FARS collects data for all motor vehicle fatalities (including, e.g., bicyclists, motorcyclists, and pedestrians), the data compiled in this report count only automobile drivers and passengers, those motorists who would have had an opportunity to wear safety belts. In the remainder of the section, the data for each of the seven DMV districts (provided in Appendices B and C) are discussed.

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From 1982 to 1984, a total of 2,154 people died in automobile accidents in Virginia. Of that number 2,076 -- or 96% -- were not wearing seat belts. Only 78 people who were wearing their safety restraints died in crashes over that 3-year period. Thus, while seat belt users comprised 18% of the driving population, they constituted only 4% of the highway fatalities. Also, even though there was no documented difference in the seriousness of crashes suffered by safety belt users and those by nonusers, the accidents involving belted occupants resulted in fewer fatalities. This underrepresentation of safety belt users lends statistical support for the proposition that the use of safety belts saves lives. Moreover, this relationship is evident in the data for each of the DMV districts in Virginia as well.

The statistics discussed below for each district appear in tables in Appendix B and in the DMV district maps in Appendix C.

### District 1

In District 1, which encompasses southwest Virginia, there were 203 highway fatalities between 1982 and 1984. Of that total 199, or 98%, were not wearing safety belts. The areas in the district with the largest numbers of highway fatalities were Carroll County, with 23 deaths of unbelted drivers and 3 belted drivers, and Buchanan County, with 23 total fatalities, only 1 of which was wearing a safety belt. Washington County and Smyth County had 23 and 21 highway fatalities, respectively, all of which were not wearing safety belts.

### District 2

Located to the east of District 1, and containing the cities of Roanoke and Lynchburg, District 2 had the second highest number of highway fatalities in Virginia during the 1982 to 1984 period. Of the 349 persons killed, 346 (99%) were not wearing safety belts. In the three counties with the largest number of total fatalities -- Henry (36), Botetourt (29), and Pittsylvania (29) -- no one wearing safety belts died.

### District 3

District 3 is situated in central Virginia and contains 19 counties and 7 cities, including Charlottesville, Harrisonburg, and Staunton. There were 318 highway deaths in District 3 over the last 3 years. Twelve of the people killed wore safety belts and 306 (96%) did not. Augusta County accounted for 45 of the fatalities in District 3. Of these, 44 were not wearing safety belts.

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District 4

District 4 comprises the northern Virginia region of Arlington, Fairfax, Fauquier, Loudoun, and Prince William counties. Fourteen of the 266 total highway casualties in that district involved occupants who were using safety belts -- the remaining 252 (95%) were not wearing restraints. Nearly half of the District 4 fatalities (46%) occurred in Fairfax County. Of the 123 people killed in Fairfax, 8 were wearing safety belts and the remaining 115 were not. A similar imbalance is evident in the FARS data for the other counties: in Prince William, 52 of the 56 fatally injured occupants were not wearing safety belts and in Loudoun 33 of 35 were not. In Fauquier and Arlington, all of the deaths were of unbelted vehicle occupants.

District 5

District 5 encompasses 22 counties and 4 cities in the central and eastern part of the state, including Richmond and Williamsburg. This region had 400 highway deaths between 1982 and 1984 -- the largest total for any of the 7 districts in Virginia. Over 96% of these 400 fatalities were not wearing safety belts. In each of the 3 localities with the highest fatality count -- Chesterfield County with 46, Williamsburg with 45, and Henrico County with 44 -- only 1 person wearing a safety belt was killed.

District 6

There were 287 fatalities in District 6, which comprises the southeast area of Virginia. Suffolk accounted for 35 of those deaths, and only 1 person killed was wearing a safety belt. In Southampton County, 26 people died in automobile accidents, all of whom were not wearing safety belts.

District 7

DMV District 7 covers the Tidewater area of Virginia. The highway fatality data for 1982-1984 show that 303 people who were not using their safety belts died, compared to 18 seat belt wearers. Twenty-three percent of the total deaths occurred in Virginia Beach, where 70 of the 74 fatal crashes involved unbelted occupants. In Norfolk, none of the 50 of those who died in automobile accidents were using safety restraints.

The data on highway deaths in Virginia as recorded by the FARS show that, overall, people who did use safety restraints accounted for a

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disproportionately small number of fatalities. Indeed, as reported above, seat belt wearers constitute 18% of the motoring population, but only 4% of the fatalities, indicating that in Virginia belt users are less likely than nonusers to die in automobile accidents.

#### CONCLUSION

The data on highway fatalities and safety belt use in Virginia, coupled with preliminary reports on the experiences of states with mandatory safety belt use laws, lead to the conclusion that legislation requiring vehicle occupants to wear safety restraints can reduce the number of people killed in highway accidents.

With regard to the provisions of a mandatory safety belt use statute, lawmakers have a great deal of flexibility, as noted by the wide variations in legislation adopted in other jurisdictions. While most state laws apply only to front seat passengers, some apply to all occupants or to rear seat occupants under a certain age. Responsibility for compliance is also related to age in many states, with the driver being responsible for the behavior of persons under a certain age. While the medical exemption is universal, exemption may be given to other groups such as letter carriers and delivery persons as needed. States also differ both as to whether evidence of nonuse could result in a reduction in damages awarded to a litigant who was not wearing a safety belt when injured and as to the extent of the reduction. The most dramatic variation occurs in the maximum penalties imposed on violators -- while most fines for first offenses fall between \$10 and \$25, some are as high as \$50. Some states have staggered fines for multiple offenders and include court costs, while one state imposes a remedial penalty by requiring the violator to attend traffic school. From a political point of view, the laws of several states appear to make a statement concerning M.V.S.S. 208. While two states provide that its law is void if not counted toward rescission of the standard, others stipulate that their laws are voided if the rescission takes place. Since Secretary Dole has not yet determined whether the 16 states with use laws are in compliance with M.V.S.S. 208, it is not yet known if these provisions will achieve their intended purpose.

Of all the possible variations in mandatory use laws, only one has been evaluated in terms of its effectiveness in increasing use rates. The states having mandatory safety belt laws are about evenly divided between a position that allows officers to enforce the statute directly and one that allows them to charge individuals for nonuse only if another traffic or criminal violation occurs first. This secondary enforcement has been shown to have less impact on safety belt use rates than does direct or primary enforcement.

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The variety of provisions included in the mandatory use laws enacted by 16 states reflects the variety of views toward occupant protection in those states. Each provision is simply a tailoring of the basic requirements to meet the needs of the jurisdiction. However, regardless of the provisions included, in general, safety belt usage laws have been shown to produce desirable changes. Mandatory seat belt laws have been shown to increase the rate of belt usage. Since persons using safety belts in Virginia and elsewhere are less likely to be killed or injured in a crash, increased use improves crash victims' chances for survival. Thus, a mandatory safety belt use law enacted in Virginia would be expected to improve the highway safety environment in the state.

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APPENDIX A

TOTAL AUTOMOBILE FATALITIES IN VIRGINIA,  
BY SAFETY BELT USE,  
1982-1984

<u>DMV District</u>	<u>Safety Belt Not Used</u>	<u>Safety Belt Used</u>	<u>Total</u>
1. Southwest	199	4	203
2. Roanoke Area	342	7	349
3. Central	306	12	318
4. North	262	14	276
5. East Central	387	13	400
6. Southeast	277	10	287
7. Tidewater	303	18	321
<hr/>			
Totals	2,076 (96%)	78 (4%)	2,154

Source: Fatal Accident Reporting System

NOTE: Data include only automobile drivers and passengers. Fatality data are excluded for motorcyclists, pedestrians, and other highway users who did not have the opportunity to wear safety belts.

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APPENDIX B

AUTOMOBILE FATALITIES AND SAFETY BELT USE BY DMV DISTRICT  
1982-1984

DMV District 1

<u>County</u>	1982		1983		1984		<u>Total</u>
	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	
Bland	0	1	0	0	0	0	1
Buchanan	0	6	0	6	1	9	22
Carroll	0	2	1	9	2	12	26
Dickenson	0	5	0	2	0	6	13
Grayson	0	4	0	2	0	1	7
Lee	0	5	0	4	0	2	11
Russell	0	5	0	6	0	8	19
Scott	0	2	0	4	0	4	10
Smyth	0	9	0	4	0	8	21
Tazewell	0	4	0	7	0	3	14
Washington	0	9	0	8	0	6	23
Wise	0	8	0	1	0	3	12
Wythe	0	2	0	7	0	8	17
<u>City</u>							
Bristol	0	1	0	3	0	2	6
Galax	*	*	*	1	0	0	1
Norton	*	*	*	*	*	*	*
<u>Total</u>	0	63	1	64	3	72	203

\*City not reported by FARS

2014  
 APPENDIX B (Continued)

AUTOMOBILE FATALITIES AND SAFETY BELT USE BY DMV DISTRICT  
 1982-1984

DMV District 2

<u>County</u>	<u>1982</u>		<u>1983</u>		<u>1984</u>		<u>Total</u>
	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	
Alleghany	0	4	0	4	0	5	13
Amherst	0	2	0	10	0	2	14
Appomattox	0	2	0	9	0	3	14
Bedford	0	7	1	8	0	2	18
Botetourt	1	6	0	4	2	11	24
Campbell	0	10	0	7	0	12	29
Craig	0	4	0	0	0	0	4
Floyd	0	1	0	4	0	2	7
Franklin	0	3	0	6	0	12	21
Giles	0	5	0	7	0	4	16
Henry	0	9	0	16	0	11	36
Montgomery	0	6	0	8	0	13	27
Patrick	0	2	0	3	0	3	8
Pittsylvania	0	12	0	10	0	7	29
Pulaski	0	8	0	4	0	4	16
Roanoke	1	11	0	9	0	2	23
<u>City</u>							
Bedford	*	*	*	*	*	*	*
Clifton Forge	*	*	*	*	*	*	*
Covington	*	*	0	1	0	0	1
Danville	0	3	0	0	1	3	7
Lynchburg	0	5	0	4	0	4	13
Martinsville	0	1	0	2	0	1	4
Radford	0	1	0	0	0	0	1
Roanoke	0	5	1	9	0	5	20
Salem	0	1	0	1	1	1	4
<b>Total</b>	<b>2</b>	<b>108</b>	<b>2</b>	<b>126</b>	<b>4</b>	<b>107</b>	<b>349</b>

\*City not reported by FARS

2045

APPENDIX B (Continued)

AUTOMOBILE FATALITIES AND SAFETY BELT USE BY DMV DISTRICT  
1982-1984

DMV District 3

<u>County</u>	1982		1983		1984		<u>Total</u>
	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	
Albemarle	1	13	0	14	0	9	37
Augusta	1	17	0	16	0	11	45
Bath	0	2	0	0	0	0	2
Clarke	0	4	0	1	0	3	8
Culpeper	0	6	0	4	1	2	13
Fluvanna	0	1	0	2	0	0	3
Frederick	0	6	0	8	0	9	23
Greene	0	0	0	1	0	2	3
Highland	0	1	0	2	0	2	5
Louisa	1	2	0	8	0	7	18
Madison	0	3	0	5	0	9	17
Nelson	0	5	0	0	0	1	6
Orange	0	3	0	5	1	3	12
Page	0	1	0	3	1	3	8
Rappahannock	0	1	1	3	0	1	6
Rockbridge	1	7	0	5	0	6	19
Rockingham	0	9	1	18	2	12	42
Shenandoah	0	13	0	4	0	7	24
Warren	0	1	0	5	0	2	8
<u>City</u>							
Buena Vista	*	*	*	*	0	2	2
Charlottesville	0	2	0	3	0	2	7
Harrisonburg	0	1	0	1	1	1	4
Lexington	*	*	*	*	*	*	*
Staunton	0	1	0	2	0	0	3
Waynesboro	*	*	*	*	*	*	*
Winchester	0	1	0	1	0	1	3
Total	4	100	2	111	6	95	318

\*City not reported by FARS

APPENDIX B (Continued)

AUTOMOBILE FATALITIES AND SAFETY BELT USE BY DMV DISTRICT  
1982-1984

DMV District 4

<u>County</u>	<u>1982</u>		<u>1983</u>		<u>1984</u>		<u>Total</u>
	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	
Arlington	0	6	0	8	0	5	19
Fairfax	2	36	2	37	4	42	123
Fauquier	0	9	0	10	0	14	33
Loudoun	0	7	2	13	0	13	35
Prince William	0	18	2	16	2	18	56
 <u>City</u>							
Alexandria	0	2	0	2	0	3	7
Fairfax	*	*	0	1	0	0	1
Falls Church	0	1	0	1	0	0	2
Manassas	*	*	*	*	*	*	*
Manassas Park	*	*	*	*	*	*	*
 Total	 2	 79	 6	 88	 6	 95	 276

\*City not reported by FARS

APPENDIX B (Continued)

2047

AUTOMOBILE FATALITIES AND SAFETY BELT USE BY DMV DISTRICT  
1982-1984

DMV District 5

<u>County</u>	<u>1982</u>		<u>1983</u>		<u>1984</u>		<u>Total</u>
	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	
Caroline	0	6	0	8	0	6	20
Charles City	0	3	0	1	0	5	9
Chesterfield	1	12	0	18	0	15	46
Essex	0	5	0	1	1	2	9
Gloucester	0	11	0	4	0	3	18
Goochland	0	7	0	2	0	2	11
Hanover	0	12	2	12	3	10	39
Henrico	1	11	0	14	0	18	44
James City	0	11	0	2	0	11	24
King George	0	4	0	9	1	2	16
King and Queen	0	0	0	4	0	0	4
King William	0	0	0	0	0	0	0
Lancaster	0	1	0	2	0	2	5
Mathews	0	1	0	1	0	1	3
Middlesex	0	1	0	0	0	5	6
New Kent	0	1	0	5	0	2	8
Northumberland	0	2	0	0	0	0	2
Powhatan	0	3	0	1	0	3	7
Richmond	0	3	1	4	0	0	8
Spotsylvania	0	13	0	8	1	11	33
Stafford	0	12	0	5	2	10	29
Westmoreland	0	3	0	3	0	5	11
<u>City</u>							
Colonial Heights	*	*	0	1	0	0	1
Fredericksburg	*	*	*	*	0	2	2
Richmond	0	16	0	17	1	11	45
Williamsburg	*	*	*	*	*	*	*
<b>Total</b>	<b>2</b>	<b>138</b>	<b>3</b>	<b>122</b>	<b>9</b>	<b>126</b>	<b>400</b>

\*City Not reported by FARS

00018

APPENDIX B (Continued)

AUTOMOBILE FATALITIES AND SAFETY BELT USE BY DMV DISTRICT  
1982-1984

DMV District 6

<u>County</u>	<u>1982</u>		<u>1983</u>		<u>1984</u>		<u>Total</u>
	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	
Amelia	0	2	0	0	0	6	8
Brunswick	0	2	0	8	0	6	16
Buckingham	0	2	0	2	0	6	10
Charlotte	0	2	0	2	2	4	10
Cumberland	0	1	0	2	0	2	5
Dinwiddie	0	4	0	7	0	7	18
Greensville	0	12	0	6	0	2	20
Halifax	0	2	0	5	0	11	18
Isle of Wight	0	1	0	2	1	9	13
Lunenburg	0	1	0	1	0	3	5
Mecklenburg	0	3	1	7	0	9	20
Nottoway	0	1	0	2	0	5	8
Prince George	0	4	1	7	0	7	19
Prince Edward	0	5	0	3	0	3	11
Southampton	0	3	0	5	0	18	26
Surry	0	2	0	1	0	0	3
Sussex	0	7	1	1	2	8	19
<u>City</u>							
Emporia	0	1	0	0	0	0	1
Franklin	*	*	*	*	*	*	*
Hopewell	*	*	0	2	0	2	4
Petersburg	0	5	0	7	0	4	16
South Boston	0	0	1	1	0	0	2
Suffolk	0	11	1	15	0	8	35
Total	0	71	5	86	5	120	287

\*City not reported by FARS



APPENDIX B (Continued)

0040

AUTOMOBILE FATALITIES AND SAFETY BELT USE BY DMV DISTRICT  
1982-1984

<u>County</u>	<u>DMV District 7</u>						<u>Total</u>	
	1982		1983		1984			
	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>	<u>User</u>	<u>Nonuser</u>		
Accomack	0	7	0	5	0	6	18	
Northampton	0	4	1	4	1	2	12	
York	0	14	0	9	2	14	39	
<u>City</u>	1982		1983		1984		<u>Total</u>	
Hampton	2	8	0	8	2	13		33
Chesapeake	1	20	1	12	2	13		49
Newport News	0	8	1	8	1	13	31	
Norfolk	0	16	0	11	0	23	50	
Portsmouth	0	5	0	9	0	1	15	
Virginia Beach	0	23	0	25	4	22	74	
Poquoson	*	*	*	*	*	*	*	
Total	3	105	3	91	12	107	321	

\*City not reported by FARS

0050

1987

*APPENDIX C*

*MAPS OF DMV DISTRICTS, AUTOMOBILE FATALITIES AND  
SAFETY BELT USE, 1982-1984,  
SAFETY BELT USERS KILLED/NONUSERS KILLED*

000000

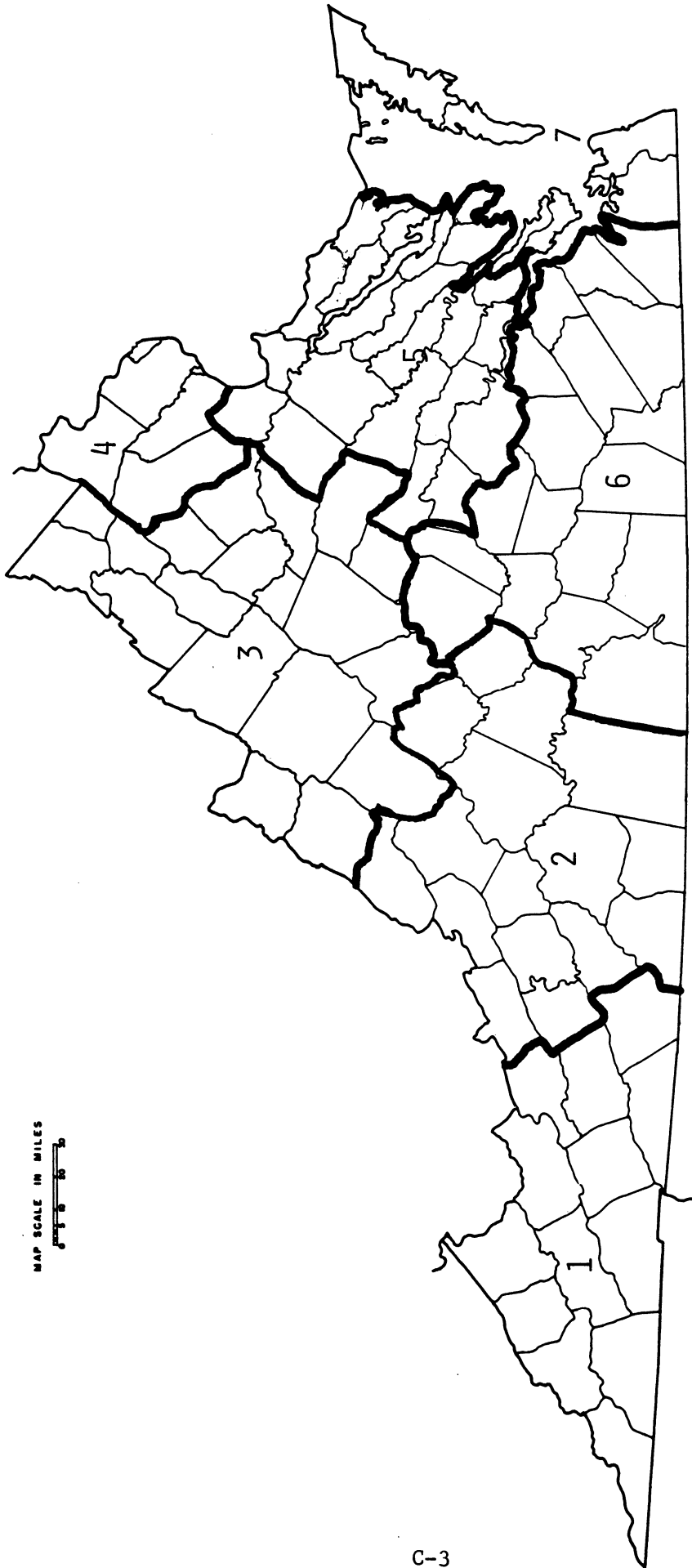


Figure C-1. Map of Virginia showing location of DMV districts.

0053

4500

DISTRICT 1

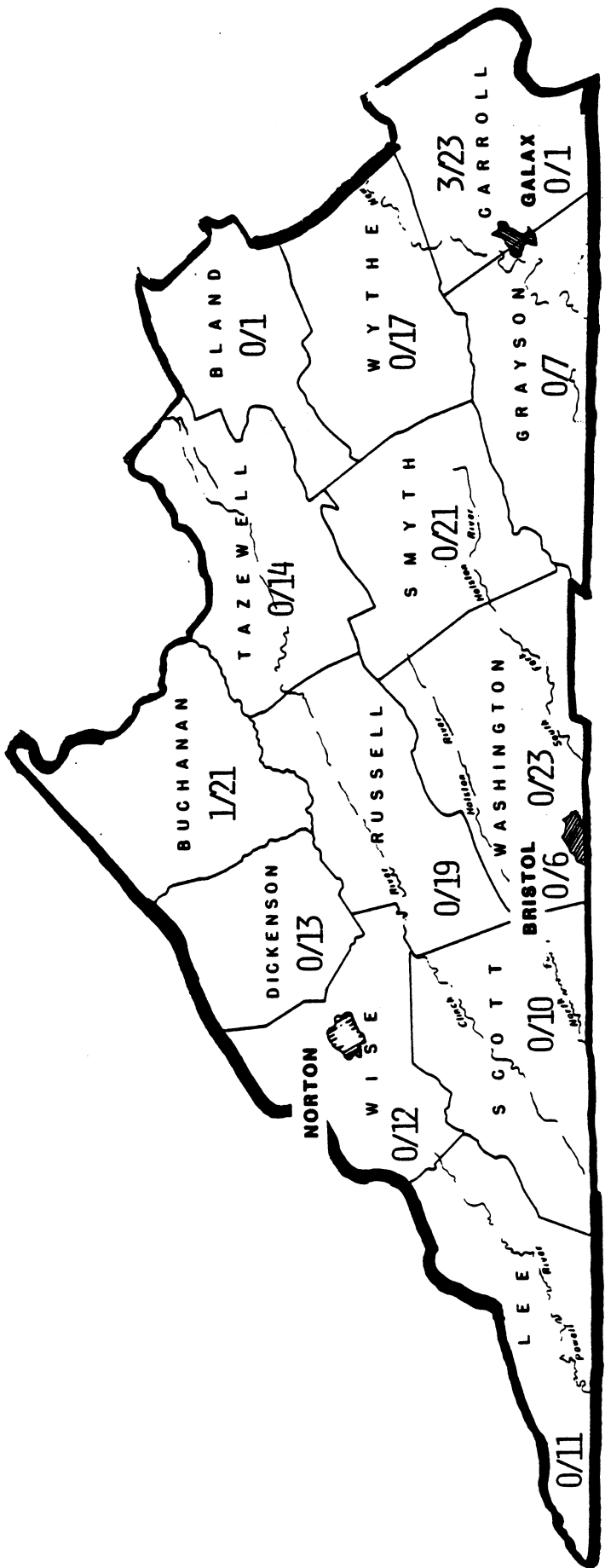


Figure C-2. Automobile Fatalities and Safety Belt Use 1982-1984 FARS Data. Safety Belt Users Killed/Nonusers Killed.

DISTRICT 2

5055

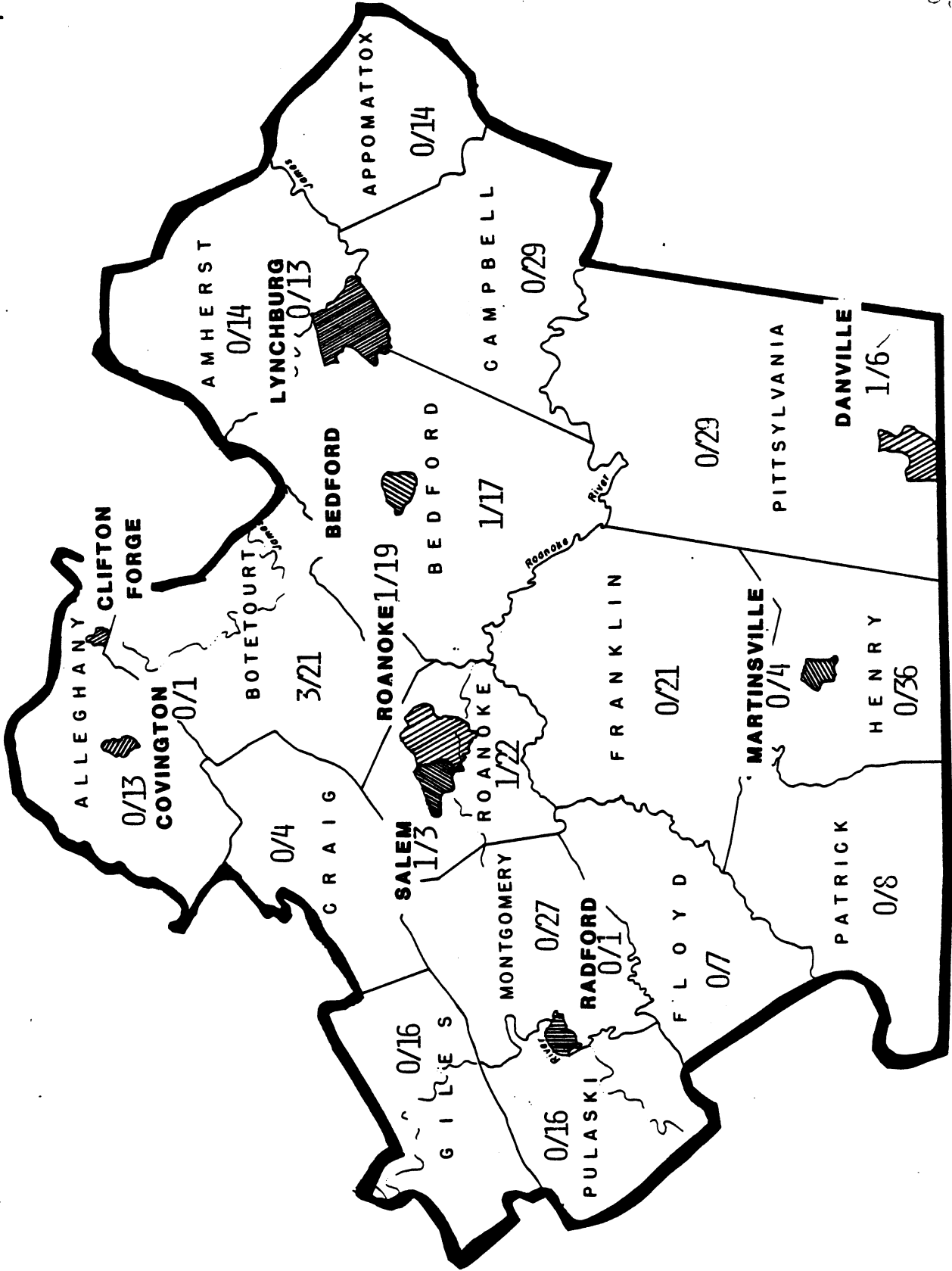


Figure C-3. Automobile Fatalities and Safety Belt Use 1982-1984 FARS Data. Safety Belt Users Killed/Nonusers Killed.

2056

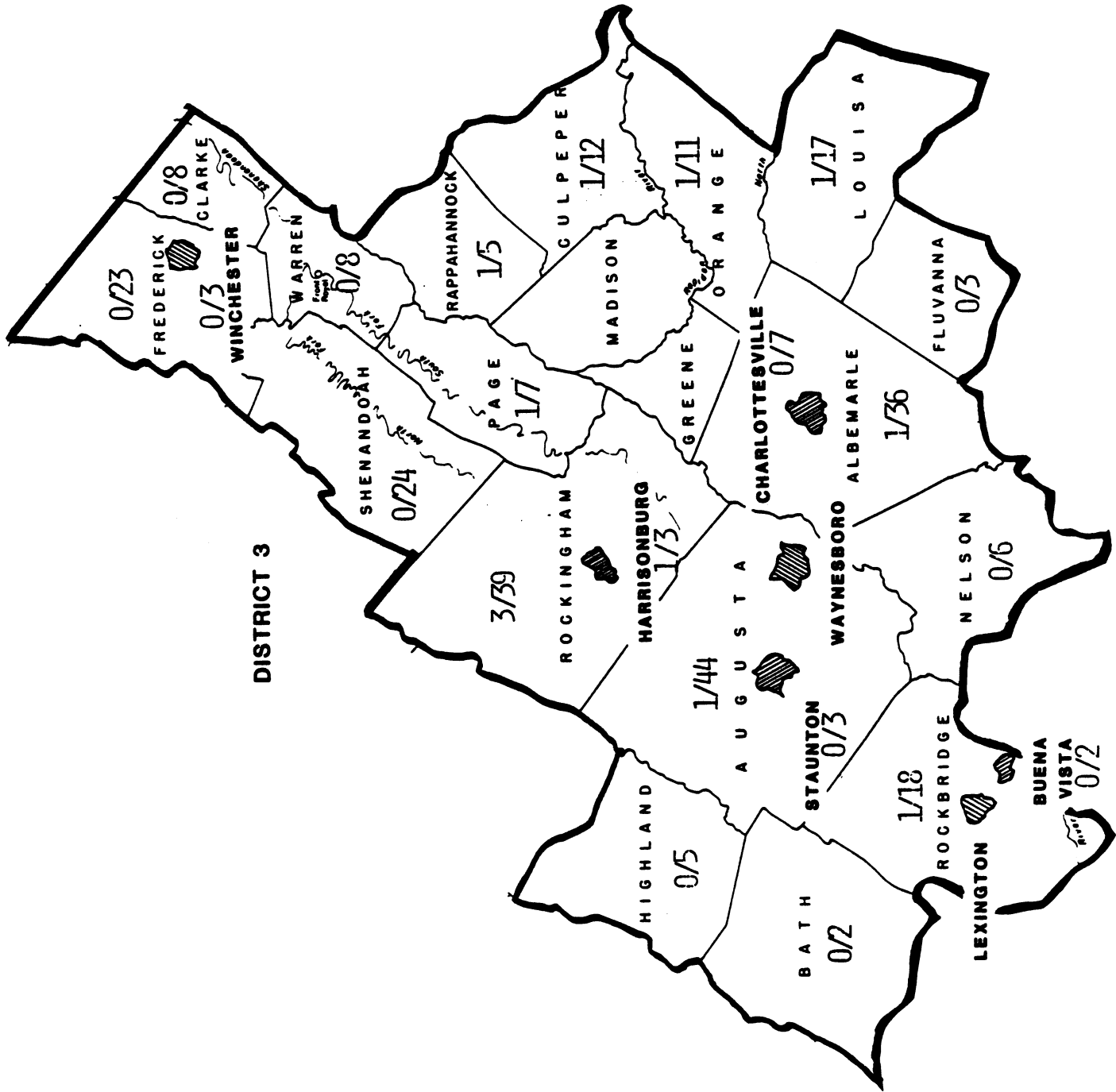


Figure C-4. Automobile Fatalities and Safety Belt Use 1982-1984 FARS Data. Safety Belt Users Killed/Nonusers Killed.



# DISTRICT 4

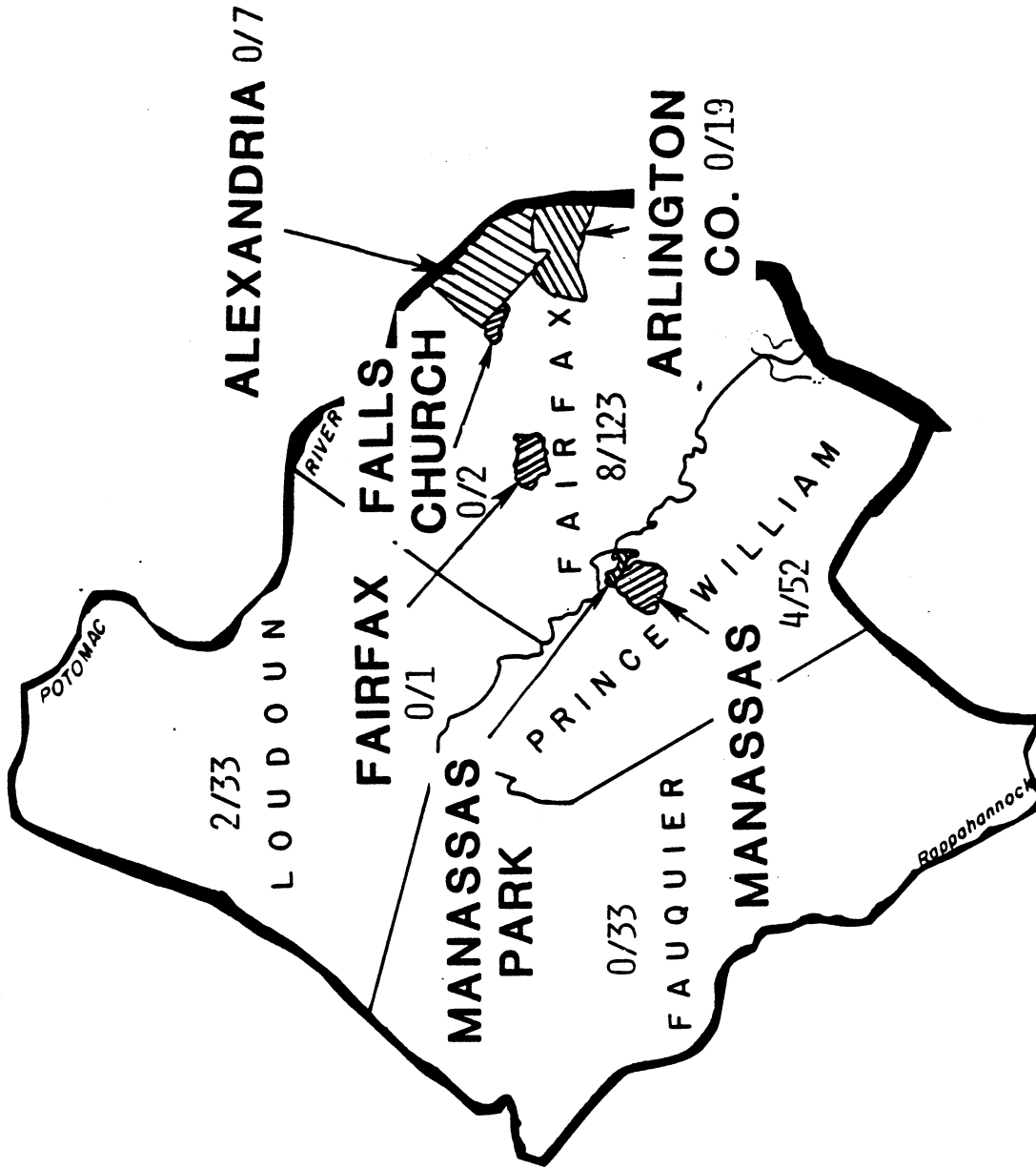


Figure C-5. Automobile Fatalities and Safety Belt Use 1982-1984 FARS Data. Safety Belt Users Killed/Nomusers Killed.

40057

00058

DISTRICT 5

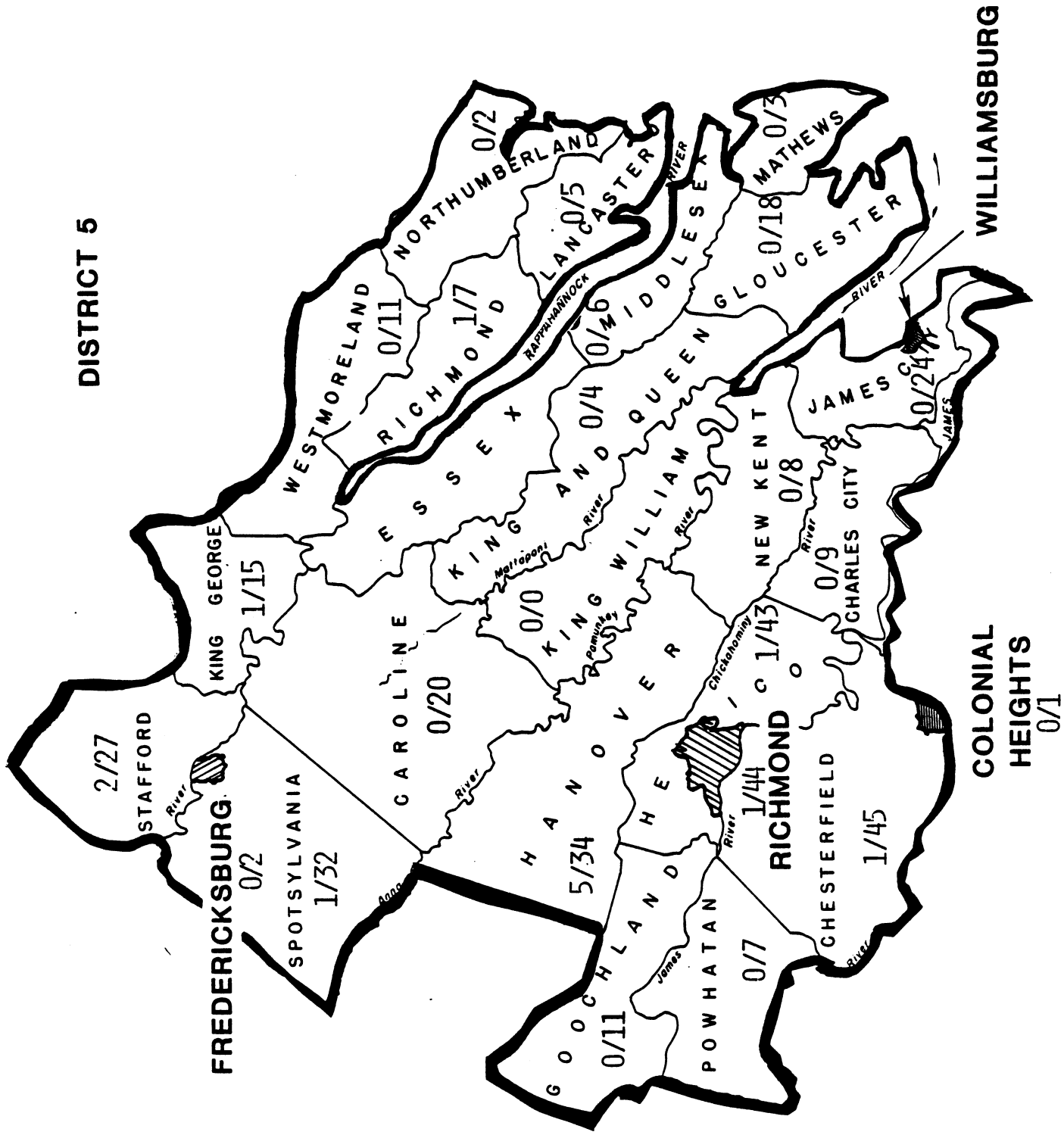


Figure C-6. Automobile Fatalities and Safety Belt Use 1982-1984 FARS Data. Safety Belt Users Killed/Nonusers Killed.

DISTRICT 6

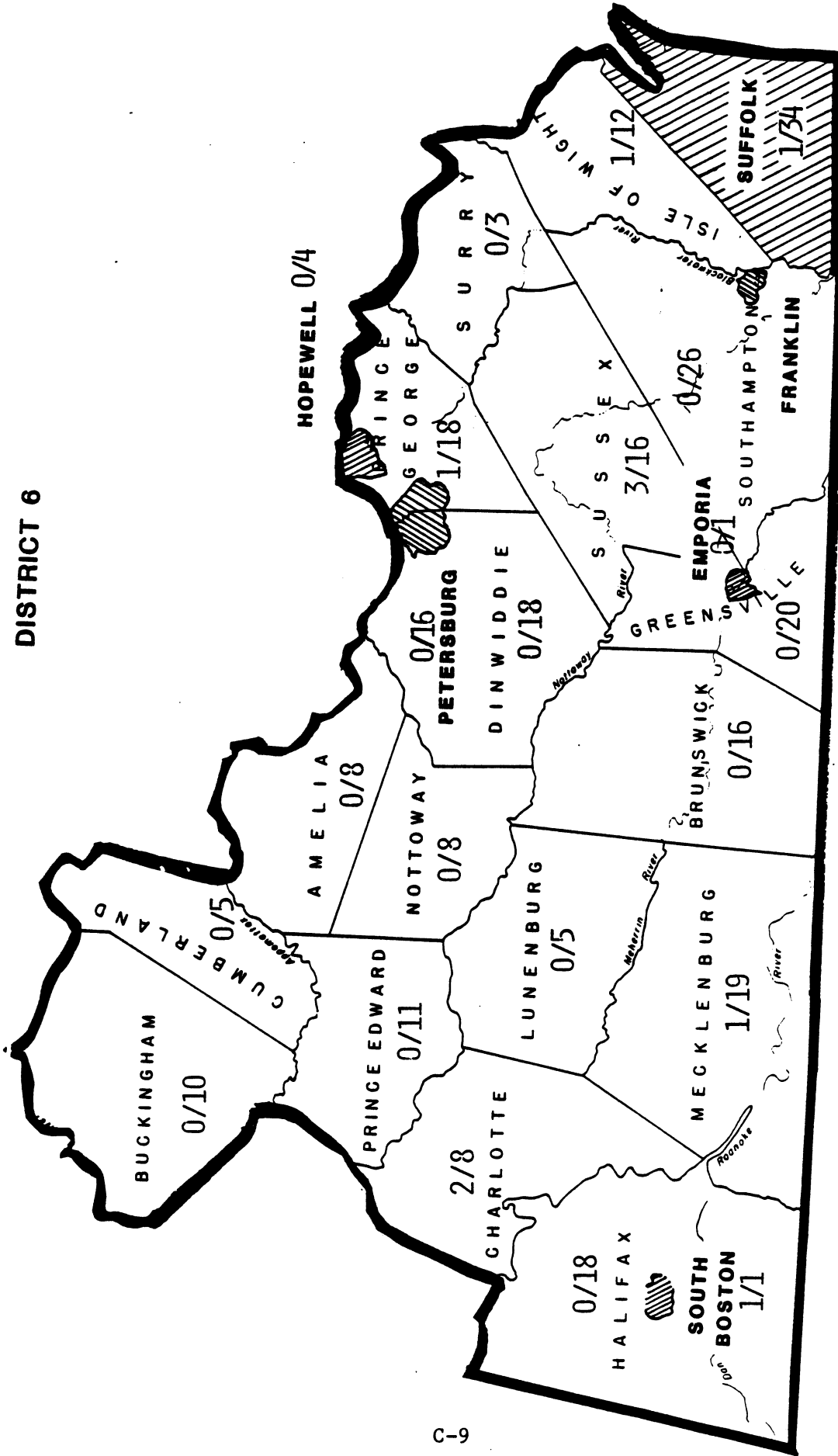


Figure C-7. Automobile Fatalities and Safety Belt Use 1982-1984 FARS Data. Safety Belt Users Killed/Nonusers Killed.

0059

0080

DISTRICT 7

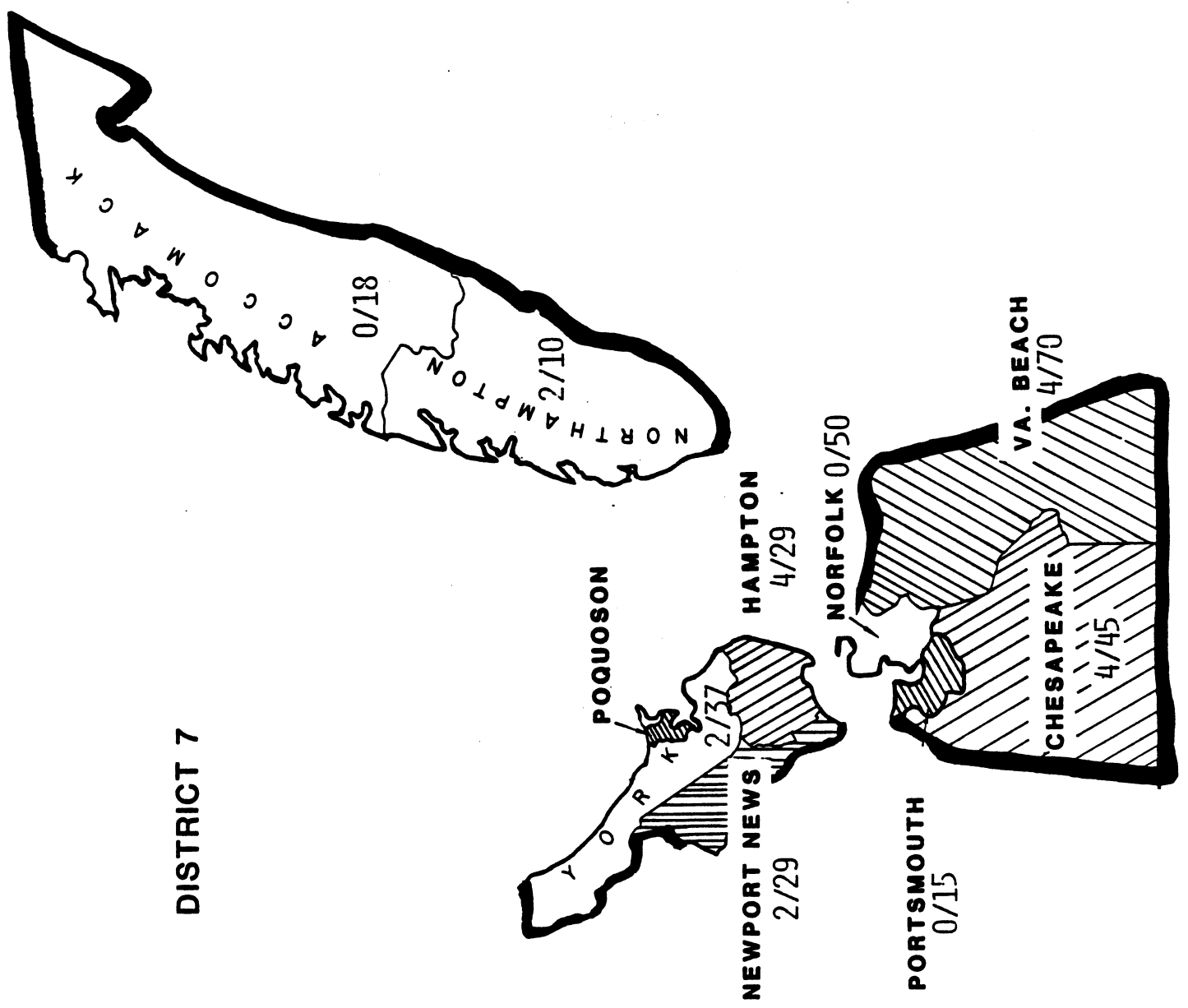


Figure C-8. Automobile Fatalities and Safety Belt Use 1982-1984 FARS Data.

APPENDIX D

MANDATORY SAFETY BELT USE BILLS, VIRGINIA GENERAL ASSEMBLY

1. House Bill No. 642 (1983 Session)

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.1-309.2 as follows:

*§46.1-309.2 Motor vehicle operators required to use lap belts and shoulder harnesses: penalty. -- a. The driver of every motor vehicle required to be equipped with lap belts, shoulder harnesses, combinations thereof, or similar devices shall wear such belt, harness, combination, or similar device at all times while such motor vehicle is in operation on any public highway.*

*B. Where any physician licensed to practice medicine in this Commonwealth or any other state determines, through accepted medical procedures, that use of such belt, harnesses, combination, or similar device by a particular person would be impractical by reason of such person's weight, physical fitness, or other medical reason, such person shall be exempt from the provisions of this section.*

*C. Any person, including persons subject to jurisdiction of juvenile and domestic relations district courts, found guilty of violating this section shall be subject to a civil penalty in the amount of twenty-five dollars.*

*D. The provisions of this section shall apply to persons actually driving motor vehicles and shall not apply to passengers in such motor vehicles.*

2. House Bill No. 324 (1984 Session)

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.1-309.2 as follows:

*§46.1-309.2 Occupants of front seats of motor vehicles required to use lap belts and shoulder harnesses; penalty. -- A. Each person at least sixteen years of age and occupying the front seat of a motor vehicle registered in Virginia and required to be equipped with lap belts, shoulder harnesses, combinations thereof, or similar devices shall wear the appropriate belt, harness, combination, or similar device at all times while such motor vehicle is in operation on any public highway, except that a child under the age of four years shall be protected as required by the provisions of Article 9.1 of Chapter 4 of Title 46.1.*

*B. Each driver of a motor vehicle registered in Virginia and required to be equipped with lap belts, shoulder harnesses, combinations thereof, or similar devices who is transporting a child at least four years of age, but less than sixteen years of age, in the front seat of such motor vehicle shall cause such child to wear the appropriate lap belt, shoulder harness, combination thereof, or similar device.*

*C. Whenever any physician licensed to practice medicine in this Commonwealth or any other state determines, through accepted procedures, that use of such belts, harnesses, combinations, or similar devices by any particular person would be impractical by reason of such person's weight, physical fitness, or other medical reason, such person shall be exempt from the provisions of the section.*

*D. Any person who violates this section shall be subject to a civil penalty of not less than ten dollars nor more than twenty-five dollars.*

*E. Failure to wear a safety belt system, in violation of this section, shall not be considered evidence of negligence nor limit the liability of an insurer, nor diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. Also, in no event shall failure to wear a safety seat belt system be considered as contributory negligence, nor shall the failure to wear a safety belt system be admissible as evidence in the trial or any civil action for damages.*

3. House Bill No. 1663 (1985 Session)

House Amendments [ ] - February 1, 1985

A bill to amend the Code of Virginia by adding a section numbered 46.1-309.2, relating to use of safety belts in motor vehicles; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.1-309.2 as follows:

*§46.1-309.2. Occupants of front seats of motor vehicles required to use lap belts and shoulder harnesses; penalty. -- A. Each person at least sixteen years of age and occupying the front seat of a motor vehicle registered in Virginia and required by the provisions of this title to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof, or similar devices, shall wear the appropriate safety belt system at all times while such motor vehicle is in operation on any public highway, except that a child under the age of four years shall be protected as required by the provisions of Article 9.1 of Chapter 4 of Title 46.1.*

*B. Each driver of a motor vehicle registered in Virginia and required by the provisions of this title to be equipped with a safety belt system who is transporting a child at least four years of age, but less than sixteen years of age, in the front seat of such motor vehicle shall cause such child to wear the appropriate safety belt system.*

*C. This section shall not apply to:*

*1. Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's weight, physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the ground for the exemption;* or

*2. Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical;* or

*3. Any person while operating a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service;* or

10004  
[ 4. Any person while operating a motor vehicle and performing the duties of a rural motor newspaper route carrier, newspaper bundle hauler, or newspaper rack carrier. ]

D. Any person who violates this section shall be subject to a civil penalty of twenty-five dollars.

E. Failure to wear a safety belt system, in violation of this section, shall not be considered evidence of negligence nor limit liability of an insurer, nor diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. In no event shall failure to wear a safety belt system be considered as contributory negligence, nor shall the failure to wear a safety belt system be admissible as evidence in the trial or any civil action for damages.