

Senate Bill 10-110 Pro/Con Analysis

For the Health District of Northern Larimer County Board of Directors

Bill Title: Primary Enforcement of Seat Belts

Issue Summary: Makes failure to wear seatbelts a primary offense under Colorado law

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BILL SUMMARY

SB 10-110 would make failure to wear a restraining device in a vehicle a primary traffic offense, allowing a law enforcement officer to stop a driver for a seat belt violation, with no other cause or infraction noted. The bill notes its intent that Colorado's statutory prohibition against profiling be strictly observed by each law enforcement officer who stops a driver for an alleged seat belt violation.

Background

Forty-nine states, including Colorado, have a mandatory seat belt law that requires drivers and passengers of most motor vehicles to wear a seat belt when operating the vehicle. These laws can be split into two major categories: primary enforcement laws and secondary enforcement laws. Primary laws, currently enacted in 30 states, allow a police officer to stop and cite a driver for not wearing a seat belt, even when no other infraction occurs. Secondary laws allow an officer to cite a driver for not wearing a seat belt only if the driver has been stopped for another reason. Colorado is one of 19 states that have a secondary enforcement law.

Research has found that primary enforcement laws increase seatbelt usage. In 2008, the National Highway Traffic Safety Administration found that in states with secondary seat belt laws, almost 15% fewer drivers wore seat belts than in states with primary laws. Notably, states with the highest safety belt use rates all have primary enforcement laws.¹ Primary enforcement laws have been linked to an increase in seat belt usage by high risk drivers—drunk drivers and drivers under the age of 25—and to populations, such as African American and Hispanic drivers, who traditionally use seat belts less often than other drivers.² One study looking at teen traffic fatalities nationwide noted, for example, an almost threefold increase in seat belt usage for teens that live in states with strong primary seat belt laws.³

Studies also underscore the notion that, in addition to increasing seat belt usage, primary laws help to reduce traffic fatalities. In a comparison of seat belt enforcement laws, the Centers for Disease Control and Prevention (CDC) Task Force on Community Preventative Services found an average of 8% fewer traffic fatalities for states with primary seat belt laws when compared to states with secondary laws (range: 3% - 14%).⁴ There were 464 traffic fatalities reported in Colorado in 2009. An 8% decrease would have meant 37 fewer traffic fatalities on Colorado roads for 2009, just over three per month.

WHY IS THIS ISSUE IMPORTANT?

The enforcement of a primary seatbelt law ranked at the top of the most effective interventions that could result in reducing the health burden in our community. The nonuse of seatbelt restraints ranked 13th among 28 of the risk factors contributing to the health burden in the Health District of Northern Larimer County's prioritization process, and the Board of Directors for the Health District has identified non-use of seat restraints as a legislative priority. 93% of local residents usually wear seatbelts, while 77.7% report that they always use seatbelts. The Healthy People 2010 goal is to achieve a 92% rate of residents who always use seat belts.

¹National Center for Statistics and Analysis, <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/>

²Ibid. p. 54.

³McCartt, A. & Veronika Northrup. (2004). Factors related to seat belt use among fatally injured teenage drivers. *Journal of Safety Research*: 2004, 35 (1). 29-38.

⁴Dinh-Zarr, B., et al. (2001). Reviews of evidence regarding interventions to increase the use of safety belts. *American Journal of Preventative Medicine*: 2001, 21 (4S). 48-65. For the Task Force on Community Preventative Services.

Though statistics show a trend of decreasing traffic fatalities in Colorado, the same statistics underscore the number of lives that could have been saved if seat belts were worn. In 2008, for example, one third of the people killed in Colorado's traffic accidents were not wearing their seat belts—a total of 180 of the 548 traffic deaths that year. This bill has the potential to significantly affect that number and decrease the amount of damage and deaths caused by traffic accidents.

REASONS TO SUPPORT BILL:

- There is robust evidence that seat belt use saves lives and mitigates the damage caused by many traffic accidents. It has been demonstrated nationally that primary enforcement results in increased seat belt use, which in turn results in less disability and death from auto accidents.
- Non-use of seat belts by youth is a problem in Colorado and this bill could increase seat belt use among this population. According to the Colorado Department of Transportation, young teenage drivers have the highest crash involvement rate of any age group in Colorado and are nearly three times more likely to be involved in a fatal crash than the average of all other drivers; while motor vehicle crashes are the leading cause of death for young adults aged 15-20.⁵
- Though critics argue that primary enforcement may lead to profiling, numerous studies have shown no increases in the proportion of tickets issued to African American and Hispanic drivers when comparing jurisdictions that have moved from secondary to primary seat belt enforcement.

REASONS TO OPPOSE BILL:

- Seatbelt use is considered by some to be an individual choice and outside the purview of government control.
- Although the bill contains a measure declaring the legislative intent to strictly observe prohibitions on profiling in the enforcement of this law, there remains the possibility that law enforcement could use this law as a tool to engage in profiling.
- For the past several years, Colorado has experienced a consistent drop in traffic fatalities, without enacting primary enforcement of seat belts. Opponents of the bill might argue that we are effectively making vehicle travel safer without resorting to a measure that impinges upon individual rights.

About this Analysis

This analysis was prepared by Health District of Northern Larimer County staff to assist the Health District Board of Directors in determining whether to take an official stand on various health-related issues. Analyses are based on bills or issues at the time of their consideration by the Board and are accurate to the best of staff knowledge. It is suggested that people check to see that a bill has not changed during the course of a legislative session by visiting the Colorado General Assembly web page at www.state.co.us/gov_dir/stateleg.html. To see whether the Health District Board of Directors took a position on this or other policy issues, please visit www.healthdistrict.org/policy.

About the Health District

The Health District is a special district of the northern two-thirds of Larimer County, Colorado, supported by local property tax dollars and governed by a publicly elected five-member board. The Health District provides medical, mental health, dental, preventive and health planning services to the communities it serves. For more information about this analysis or the Health District, please contact Carrie Cortiglio, Policy Coordinator, at (970) 224-5209, or e-mail at ccortiglio@healthdistrict.org

⁵ <http://www.coloradodot.info/programs/colorado-teen-drivers/parent>