

# Traffic Safety Facts

## Laws

DOT HS 810 890W

January 2008

## Strengthening Seat Belt Use Laws

### Background

The National Highway Traffic Safety Administration supports the enactment of primary seat belt laws. Primary (standard) enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger. Secondary enforcement means that a citation for not wearing a seat belt can only be issued after the officer stops the vehicle or cites the offender for another infraction.

Enactment of primary laws sends a message to motorists that seat belt use is an important safety issue that the State takes seriously. The greatest gains have been shown when a primary law works in conjunction with high-visibility enforcement campaigns such as *Click It or Ticket*.

A primary seat belt use law is much more readily enforced than a secondary law. In attitudinal surveys, officers consistently preferred primary laws and reported that a secondary enforcement law is a major deterrent to issuing citations. Considerable research has shown that upgrading from a secondary to a primary seat belt law will significantly raise seat belt use rates when combined with education and enforcement.

Traffic crashes are a leading cause of death in the United States. Increasing seat belt use has tremendous potential for saving lives, preventing injuries and reducing the economic costs associated with crashes.

### Key Facts

- In 2006, 30,521 occupants of passenger vehicles (cars, trucks, vans, and SUVs) were killed in motor vehicle traffic crashes, 72 percent of the

42,642 traffic fatalities reported for the year.

- Of the 28,141 passenger vehicle occupant fatalities for which restraint use was known, an estimated 15,523 (55%) were unrestrained.
- Of the 482 passenger vehicle occupant fatalities for teens 13 to 15 years old for which restraint use was known, 313 (65%) were unrestrained.
- Research has found that lap/shoulder seat belts, when used, reduce the risk of fatal injury to front-seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent.
- To date, 26 States, the District of Columbia, Puerto Rico, American Samoa, Commonwealth of Northern Mariana Islands, and the Virgin Islands have seat belt use laws that provide for primary enforcement. Twenty-three States have laws that provide for secondary enforcement; one State (New Hampshire) has no adult seat belt use law.

### Successful Examples of Primary Seat Belt Laws

Primary seat belt laws have a proven track record of increasing a State's seat belt use rate. In 2007, the average seat belt use rate in

### Inside This Issue

- Background
- Key Facts
- Successful Examples of Primary Seat belt Laws
- Public Support Is Strong for Primary Seat belt Use Laws
- Addressing Concerns About the Enforcement of Primary Laws
- Protect All Vehicle Occupants in All Passenger Vehicles
- Fines Play a Part in Increasing Belt Use
- Occupant Protection Grant Programs
- References

---

States with primary enforcement laws was 14 percentage points higher than in States with secondary enforcement laws. In 2007, seat belt use was 87 percent in primary law States versus 73 percent in secondary law States.

On average, States that pass primary seat belt laws can expect to increase seat belt use by 9 percentage points. However, depending on the level of high-visibility enforcement that they employ, far greater results are possible. States that adopt comprehensive high-visibility enforcement campaigns to implement primary seat belt laws may achieve increases of 20 percentage points or more.

When States upgrade their seat belt use laws from secondary to primary, significant increases in seat belt use are often observed. For example, when in 2003 Delaware and Illinois upgraded their secondary seat belt use laws to primary laws:

- the seat belt use rate in Delaware rose from 71 percent in 2002 to 86 percent in 2006; and
- the seat belt use rate in Illinois rose from 74 percent in 2002 to 88 percent in 2006.

## **Public Support Is Strong for Primary Seat Belt Use Laws**

In 2003, NHTSA conducted a survey among a national sample of approximately 6,000 people 16 and older to determine attitudes, knowledge, and reported behaviors regarding occupant protection.

- Overall, 64 percent of the population surveyed believed that law enforcement officers

should be allowed to stop a vehicle if they observe only a seat belt use violation (primary enforcement);

- Support for primary enforcement in primary enforcement States was 71 percent. Even in States with secondary enforcement, the majority (56%) favored primary enforcement; and
- Overall support for primary enforcement was greater among Hispanics (74%) compared to African-Americans (67%) and whites (62%).

## **Addressing Concerns About the Enforcement of Primary Laws**

Motor vehicle crashes are the leading cause of death for African-Americans from birth to age 14 and are the second leading cause of death for African-Americans between 15 and 24. Motor vehicle crashes are the leading cause of death for Hispanics from 1 to 44 years old, and are the third leading cause of death for Hispanics of all ages, surpassed only by heart disease and cancer. However, a major concern about the enforcement of primary occupant protection laws expressed by opponents is differential enforcement—the targeting of people from different racial and ethnic groups by law enforcement officers enforcing traffic laws.

The National Organization of Black Law Enforcement Executives (NOBLE), the Nation's leading organization of minority law enforcement officials, examined this issue extensively during 2000 and 2001. As a result, NOBLE has voiced support for law enforcement training, educational outreach to the African-American community and passage of primary seat belt

use laws to increase seat belt use among African-Americans.

The Congressional Black Caucus has stated that increasing seat belt use among African-Americans is an “urgent national health priority.” The National Black Caucus of State Legislators and the National Conference of Black Mayors have also expressed support for strong laws that increase seat belt use and that include safeguards for uniform enforcement.

The ASPIRA Association, Inc., a national organization dedicated to the education and leadership development of Hispanic youth, also has expressed its support for primary seat belt legislation. ASPIRA passed a resolution supporting primary enforcement of State seat belt and child safety seat use laws and efforts to promote compliance with such laws.

Recognizing the contribution that primary laws make to seat belt use among all groups, many minority group legislators have supported primary law upgrades in their States. Some of these legislators have testified publicly that following upgrades to primary seat belt laws, they have seen neither backlash in their communities nor evidence of differential enforcement of the new laws.

## **Protect All Vehicle Occupants in All Passenger Vehicles**

Seat belt use laws vary from State to State with some laws covering only front-seat occupants, some providing for only secondary seat belt enforcement, and some exempting pickup trucks and vans. Some States fail to address the issue of children riding as passengers in the cargo area of

---

pickup trucks. About 98 children and teenagers die each year as a result of riding in cargo areas of pickup trucks.

Having a strong, well-written seat belt use law is crucial to saving lives. In 2002, NHTSA formed a partnership with many highway safety organizations to develop a “model law” that can assist States in drafting the language needed to eliminate the gaps that often occur in occupant protection legislation. The model law requires that when a motor vehicle is driven, every passenger shall have a seat belt properly secured around their body at all times. The model law is available at [www.ncutlo.org](http://www.ncutlo.org).

## Fines Play a Part in Increasing Belt Use

There is evidence to support the belief that higher fines are associated with higher seat belt use rates. In its report on the 2001 Safety Belt Summit, the Automotive Coalition for Traffic Safety (ACTS) reported that the level of fines had an impact on seat belt usage. ACTS examined State-conducted belt use surveys from 1998 and 1999 and observed that belt use averaged six points higher in States having fines of \$30 and higher than in States having fines of less than \$30.

## Occupant Protection Grant Programs

On August 10, 2005, Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). In addition to providing funding for improving America’s roadways, bridges and transit systems, this comprehensive legislation provides funding for

increasing seat belt and child safety seat use.

**SECTION 402 STATE AND COMMUNITY HIGHWAY SAFETY GRANTS** provide funds to support State highway safety programs, designed to reduce traffic crashes and resulting deaths, injuries and property damage. A State may use these grant funds only for behavioral highway safety purposes; at least 40 percent of these funds are to be used to address local traffic safety problems.

**SECTION 405 OCCUPANT PROTECTION INCENTIVE GRANTS** provide funds to encourage States to adopt and implement effective programs to reduce deaths and injuries from riding unrestrained or improperly restrained in motor vehicles. A State may use the grant funds only to implement and enforce occupant protection programs. A State is eligible for an incentive grant by adopting or demonstrating that it has implemented at least four of six qualifying criteria, including a complying child passenger law.

**SECTION 406 SAFETY BELT PERFORMANCE GRANTS** provide funds to encourage the enactment and enforcement of a conforming seat belt use laws in all passenger motor vehicles or, in the absence of a primary law, achieve and maintain a seat belt use rate of 85 percent or higher in two consecutive years. A State may use these grant funds for any behavioral highway safety purpose or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems. At least \$1 million

of the amounts received by the States under this section are obligated for behavioral highway safety activities under chapter 4 of title 23.

**SECTION 2011 CHILD SAFETY AND BOOSTER SEAT INCENTIVE GRANTS** provide funds to States that are enforcing a law requiring any child riding in a passenger vehicle who is too large to be secured in a child safety seat to be secured in a child restraint that meets the requirement prescribed under section 3 of Anton’s Law (49 U.S.C 30127 note; 116 Stat.2772) for an appropriate child safety seat or booster seat.

To qualify for a grant under this program, a State child restraint law must not leave any gaps in coverage for children under 8 years old (e.g., gaps between coverage by a child safety seat and a booster seat.) A State law covering children under 8, but excluding children who have attained a weight in excess of 65 pounds, will not be deemed ineligible under this grant program. In addition, consistent with long-standing NHTSA guidance on booster seat usage, a State law covering children under 8, but excluding children who have attained a height of 4 feet 9 inches or taller will not be deemed ineligible under this grant program.

## References

- Glassbrenner, D., and Ye, J. (2006). *Seat Belt Use in 2006 – Overall Results*. DOT HS 810 677, Washington, DC: National Highway Traffic Safety Administration.
- Glassbrenner, D., and Ye, J. (2007). *Seat Belt Use in 2006 – Use Rates in States and Territories*, DOT HS 810 690. Washington, DC:

---

National Highway Traffic Safety Administration.

NHTSA (2006). *Countermeasures That Work: A Highway Safety Countermeasure Guide For State Highway Safety Offices*. DOT HS 809 980. Washington, DC: National Highway Traffic Safety Administration.

NHTSA (2007). *Safety Belt Use in 2006 – Overall Results*, Traffic Safety Facts Research Note, DOT

HS810 841. Washington, DC: National Highway Traffic Safety Administration.

NHTSA (2005). *Traffic Safety Occupant Protection Fact Sheet – 2005 Data*. DOT HS 810 621. Washington, DC: National Highway Traffic Safety Administration.



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



Reports and additional information on this topic are available from your State Highway Safety Office; the NHTSA Regional Office serving your State; NHTSA Headquarters, Safety Programs Office, ATTN: NTI-122, 1200 New Jersey Avenue SE., Washington, DC 20590; 202 366 2724; or NHTSA's Web site at [www.nhtsa.gov](http://www.nhtsa.gov).