



States Upgrade to Primary Enforcement Seat Belt Laws

States with primary seat belt enforcement laws consistently have higher observed daytime seat belt use rates than secondary law States. Secondary belt law States, on the other hand, consistently have more motor vehicle fatalities who were not restrained than do primary law States. Primary laws are associated with a 10 to 12% increase in observed belt rates and 9- to 10-percentage-point increases among occupants killed in fatal motor vehicle crashes. Observed seat belt use averages 88.2% in States with primary belt enforcement laws and 79.1% in States with secondary enforcement (NHTSA, 2009).

Since the year 2000, 14 States upgraded their seat belt laws to primary enforcement status. This study documents the roles, strategies, resources, and arguments States used in their actions to pass primary belt laws. The 10 States that upgraded their seat belt laws between 2004 and 2009 (Tennessee, South Carolina, Alaska, Mississippi, Kentucky, Maine, Minnesota, Arkansas, Florida, and Wisconsin) provided in-depth information about the successes and challenges they encountered during the process. It includes a literature review of the legislative history of primary belt laws.

Researchers conducted more than 80 in-depth interviews with a variety of people who played key roles in the process of upgrading to primary enforcement. Each of the 10 case study States was unique in terms of the approach they used to pass a primary belt law, but there were common efforts and themes among them.

Advocates pointed out that it is important to understand that passing a primary law is a multiyear effort involving a broad network of organizations and individuals. They need to identify and effectively respond to opposition arguments specific to their State. One persuasive element in many of the States was to make legislators aware of the availability of Section 406 Safety Belt Performance Grants, a portion of which could be used for highway and infrastructure projects. Advocates often hired lobbyists

to provide information to address concerns of legislators. They also engaged the media to present a balanced view of the issues and report public support. Presenting the bill as a public health issue to save lives, reduce injuries, and reduce State medical expenditures attracted diverse partners and broadened the debate.

Effective Strategies

While each State engaged in different activities and legislative techniques to pass a primary enforcement belt law, strategies common in many States were:

- Having key champions;
- Engaging grassroots activities and media communications;
- Having an active partnership with minority-based universities and organizations;
- Coordinating coalition and lobbying activities;
- Discussing the State's share of the costs of health care, Medicaid, and insurance of unbelted injured motorists;
- Putting Section 406 incentive funding into State's proposed budget package and pointing out broad uses of the funds for State infrastructure and highway purposes;
- Considering and accepting trade-offs;
- Showing national and regional comparative data;
- Packaging the bill with other health and safety initiatives;
- Overcoming the opposition of individual legislators; and
- Engaging the participation of crash victims' families.

Legislative Strategies and Tactics

Advocates used a range of legislative strategies and tactics in passing the primary enforcement laws in the 10 study

States. Examples of approaches thought to be useful in passing a primary enforcement seat belt law are:

- Choosing the right bill sponsor;
- Adding amendments and coverage provisions;
- Considering the order in which the bill is introduced;
- Assigning the bill to a supportive committee;
- Providing testimony to the committee from a variety of advocates;
- Reaching out to legislature by lobbyists, coalition members, and other legislators;
- Using lobbyists to promote the bill in the legislature; and
- Accepting the need for political negotiation.

Strategies to Address Opposition Concerns

There was little organized opposition to the passage of primary enforcement seat belt laws in the 10 case study States. There were nine common opposition concerns expressed among the States, although each State had a unique combination of concerns.

The top two opposition concerns were intrusion of government on personal freedoms and racial profiling. Advocates addressed these concerns by pointing out that a primary law simply changed how an existing State belt law was enforced, making it like all other traffic violations. They brought in experts on race, public health, and law enforcement, who showed how increasing belt use would result in significant health care savings and save lives. They separated the issue of primary enforcement from racial profiling. Many brought in minority groups, universities, and medical communities to discuss primary belt laws in public health terms and some included separate legislation to address racial profiling concerns. Examples of how States addressed the other seven issues are listed below the concern.

Pretext stops by law enforcement

- Law enforcement officials testified that the primary enforcement law is a known way to increase seat belt use and decrease fatalities and injuries.

Lack of a motorcycle helmet law

- Legislators presented seat belt legislation first during the legislative session and separated seat belt and motorcycle helmet law issues.

Individual legislators

- Section 406 incentive funding persuaded some legislators to support the bill to gain fiscal benefits to their States.
- Advocates used lobbyists to develop political solutions and compromises, such as agreeing to garner support for another bill on the agenda.
- Advocates simply waited until the individual legislators who were strongly opposed either left office or stepped down from leadership positions.

Rural concerns

- Advocates created data and information sheets addressing pickup truck rollover crashes.
- Legislators added amendments to exclude farm vehicles registered solely for agricultural use.

Alcohol industry concerns

- Advocates and coalition partners wrote letters-to-the-editor that identified legislators who were sympathetic to the alcohol industry.

Seat belt horror stories

- Advocates developed data and information sheets to counter myths and inaccurate perceptions.
- Subject matter experts testified to present statistics and information.

Existing law is adequate

- Advocates cited studies showing seat belt use rates increase following changes from secondary to primary enforcement.

The report will be useful to secondary law States considering upgrading to primary enforcement status.

How to Order

To order *Documenting How States Recently Upgraded to Primary Seat Belt Laws* (41 pages), prepared by The University of Michigan Transportation Research Institute, write to the Office of Behavioral Safety Research, NHTSA, NHTI-130, 1200 New Jersey Avenue SE., Washington, DC 20590, fax 202-366-7394, or download from www.nhtsa.gov.



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