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TESTIMONY BY STEVEN GUDERIAN
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
BEFORE THE NEVADA ASSEMBLY TRANSPORTATION COMMITTEE
ON THE MERITS OF
A PRIMARY SAFETY BELT LAW

March 6, 2003

I would like to thank Assembly Speaker Perkins for inviting me to testify today. My name is Steven Guderian and I am Highway Safety Specialist and Regional Program Manager with the National Highway Traffic Safety Administration (NHTSA), an agency of the U.S. Department of Transportation. Our goal at NHTSA is to reduce the annual toll of some 41,000 deaths, 3,000,000 injuries, and \$230 billion in societal costs due to motor vehicle crashes in America.¹ As the NHTSA Regional Program Manager, I would like to discuss how primary safety belt laws can help reduce the number of deaths and injuries on Nevada's roadways each year. There is no reason why anyone should die or become seriously injured because of the lack of safety belt use.

Passing laws, enforcing them, and convincing people to wear safety belts, are responsibilities at the State and community level. Research shows that the enactment and enforcement of strong safety belt laws are effective at increasing safety belt use. There is specific State legislation that has proven effective in raising the safety belt usage rates in States that adopt it. I will be testifying on the merits of upgrading your safety belt law to one allowing **primary enforcement**. Primary enforcement is sometimes referred to as "standard enforcement." Both terms mean the same thing. For the purposes of this testimony, I will use the term "primary enforcement."

Primary 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, which is what Nevada has now, means that a citation for not wearing a safety belt can only be written after the officer stops the vehicle or cites the offender for

another infraction. In States with secondary laws, a police officer can stop a motorist for a malfunctioning taillight or an expired license tag, but cannot stop a motorist for violating the State's safety belt law. We believe that a primary law will not only save lives and reduce injuries in Nevada, but will also save Nevada's citizens substantial amounts of money in associated health care costs.

Primary safety belt laws have a proven track record of increasing a State's safety belt use rate:

- In June 2002, the average safety belt use rate in States with primary enforcement laws was 11 percentage points higher than in States without primary enforcement laws.² (Safety belt use was 80 percent in primary law States versus 69 percent in States without primary enforcement.)
- When States upgrade their laws from secondary to primary, dramatic increases in safety belt use are often observed. For example, when three States—New Jersey, Alabama, and Michigan—upgraded their secondary safety belt laws to primary laws in 2000:
 - The safety belt use rate in New Jersey rose from 63 percent in 1999 to 74 percent in 2000.
 - The safety belt use rate in Alabama rose from 58 percent in 1999 to 71 percent in 2000.
 - The safety belt use rate in Michigan rose from 70 percent in 1999 to 84 percent in 2000.
- If Nevada can raise its safety belt use rate 14 percentage points by passing a primary belt use law, it is estimated that approximately 20 lives could be saved in Nevada annually.³ (Cost categories included are medical costs, EMS, vocational rehabilitation, market productivity, household productivity, insurance administration, workplace costs, legal/court costs, and premature funeral costs.)

Primary safety belt laws also help save the lives of children. Citizens are much more likely to buckle up and place their children in child safety seats when there is the possibility of receiving a citation for not doing so. NHTSA and State surveys have

repeatedly and consistently shown that adult safety belt use is a strong predictor of whether children are appropriately restrained. However, in 2000, one out of every three children 5 to 15 years of age was unrestrained and traffic crashes are the leading cause of death among children in this age group.

But are safety belts really effective in reducing deaths and injuries in vehicle crashes? Consider the following:

- Safety belts reduce the risk of death to front safety passenger car occupants by 45 percent and the risk of moderate to critical injury by 50 percent. For light truck occupants, safety belts reduce the risk of death by 60 percent and moderate to critical injury by 65 percent.⁴
- In 2001, 3 out of five vehicle occupants who died in Nevada were not wearing safety belts.
- And remember, even if you are a good driver, wearing your safety belt is your best defense against drunk, drowsy, and aggressive drivers.

Now let's address the economic costs of not wearing safety belts. The National Highway Traffic Safety Administration (NHTSA) published a report⁵ on the economic impact of crashes for 2000 and found the following:

- In 2000, safety belt use saved about \$50 billion in medical care, lost productivity, and other injury related costs.
- Conversely, safety belt non-use cost society about \$26 billion.⁶
- The lifetime economic cost to society for each traffic fatality is over \$977,000. Over 80 percent of this amount is attributable to lost workplace and household productivity.
- Each critically injured survivor costs an average of \$1.1 million. Medical costs and lost productivity account for 84 percent of the cost for this most serious level of non-fatal injury.

A key finding of the report was that those *not* directly involved in crashes pay for nearly *three-quarters* of all crash costs, primarily through insurance premiums, taxes, and travel delay. In 2000, these costs—borne by society rather than by crash victims—totaled over \$170 billion for all traffic crashes.

Safety belts save lives:

- In 2000, safety belts prevented 11,889 fatalities and approximately 325,000 serious injuries.
- Conversely, safety belt non-use represents an enormous lost opportunity for injury prevention. In 2000 alone, more than 9,200 persons were killed and 143,000 were injured unnecessarily because they failed to wear their safety belts.⁷

Now, you may have heard some arguments against primary safety belt laws. Some think it will lead to differential enforcement—sometimes referred to as “racial profiling.” However, many legislators representing minority groups have supported primary law upgrades in various States because of the enormous public health and safety gains that can be made. Likewise, some law enforcement organizations representing minorities have voiced support for primary safety belt laws, including the National Organization of Black Law Enforcement Executives (NOBLE) and the Hispanic American Command Officers Association.⁸ These legislators and organizations know that primary safety belt laws help reduce deaths among minorities. Observational safety belt surveys have shown that safety belt use is significantly lower among minorities.⁹ In 1999, Meharry Medical College, a historically black medical institution, published a report stating that 100 percent safety belt use among African Americans could save 1,300 lives and prevent 26,000 injuries each year.¹⁰

In-depth studies conducted in States that upgraded their safety belt laws to primary enforcement have found no evidence to show any shift in enforcement patterns which could be interpreted as harassment. In fact, increases in citations issued for safety belt violations were usually proportionately greater among whites than among minorities. Specifically, studies in Louisiana and Georgia found that, while minority groups thought

their chances of getting a safety belt ticket were higher than whites, analysis of citation data in test locations revealed no differences in ticketing by race that would suggest disproportionate increases in enforcement activity among minority groups.^{11 12} Results of an evaluation of Maryland, Oklahoma, and the District of Columbia's change to primary enforcement published in January 2001 showed either no difference in non-white versus white ticketing, comparing secondary to primary enforcement, or that a greater increase in ticketing went to whites following the change to a primary enforcement law.¹³

Differential enforcement based upon race is unacceptable and must be eliminated, wherever it may exist. South Carolina's Safety Belt Enforcement Campaign in November 2000 is an excellent example of how effective safety belt enforcement strategies can address concerns of differential enforcement. This campaign ensured that minority groups were a part of the decision-making process in the creation of an enforcement and education plan for safety belt enforcement. South Carolina's emphasis on "minority inclusion" calmed any fears of racial profiling while also cultivating selected community leaders as powerful spokespersons for the campaign. South Carolina's Campaign was enormously successful—overall safety belt use increased from 66 percent to 74 percent.

Thank you again for inviting me to testify. I hope the information I have provided is helpful. I would be glad to answer any questions.

¹ The Economic Impact of Motor Vehicle Crashes 2000. National Highway Traffic Safety Administration; DOT HS 809 446, p. 1.

² Data accessed from the National Highway Traffic Safety Administration web site at <http://www-nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/Rpts/2002/Belt&HelmetUseNOPUS.pdf> on September 10, 2002.

³ Data on lives saved, injuries prevented, and cost savings due to estimated increases in safety belt use among secondary law States if legislation were upgraded to primary are available from NHTSA.

⁴ Kahane, Charles J. Fatality Reduction by Safety Belts For Front-Safety Occupants of Cars And Light Trucks; National Highway Traffic Safety Administration, December 2000; DOT HS 809 199.

⁵ The Economic Impact of Motor Vehicle Crashes 2000. National Highway Traffic Safety Administration; DOT HS 809 446, pp. 5-7.

⁶ The Economic Impact of Motor Vehicle Crashes 2000. National Highway Traffic Safety Administration; DOT HS 809 446, p. 54.

⁷ The Economic Impact of Motor Vehicle Crashes 2000. National Highway Traffic Safety Administration; DOT HS 809 446, p. 54.

⁸ *Achieving Increased Safety Belt Use in Diverse Communities: The Law Enforcement Role*, The National

Organization of Black Law Enforcement Executives, January 2001.

⁹ National Occupant Protection Use Survey, Controlled Intersection Study; National Highway Traffic Safety Administration, DOT HS 809 318, p. 6.

¹⁰ *Achieving a Credible Health and Safety Approach to Increasing Safety Belt Use Among African Americans*, Department of Occupational and Preventive Medicine, Meharry Medical College, May 1999.

¹¹ Ulmer, R.G., Preusser, C.W., Preusser, D.F. Evaluation of Georgia's Safety Belt Law Change to Primary Enforcement. National Highway Traffic Safety Administration, in progress.

¹² Preusser, D.F., Preusser, C.W. Evaluation of Louisiana's Safety Belt Law Change to Primary Enforcement. National Highway Traffic Safety Administration, DOT HS 808 620, 1997.

¹³ Evaluation of Maryland, Oklahoma, and the District of Columbia's Safety Belt Law Change to Primary Enforcement, Final Report. National Highway Traffic Safety Administration, DOT HS 809 213, March 2001.