

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2013**

Bill Number: H.38 Name of Bill: Motor vehicles; seat belt requirement; primary enforcement.

Agency/ Dept: Vermont State Police Author of Bill Review: SGT. Garry Scott

Date of Bill Review: 01/25/13 Status of Bill: (check one):

☒ Upon Introduction      ☐ As passed by 1<sup>st</sup> body      ☐ As passed by both bodies      ☐ Fiscal

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**Recommended Position:**

☒ Support      ☐ Oppose      ☐ Remain Neutral      ☐ Support with modifications identified in #8 below

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**Analysis of Bill**

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1. **Summary of bill and issue it addresses.** This bill proposes to authorize primary enforcement of the seat belt law for ALL adults and children.
  
2. **Is there a need for this bill?** Over the past three years Vermont has averaged 67 motor vehicle related fatalities per year. On average, 29 of those killed are either not wearing a seat belt or were improperly restrained. According to NHTSA, states that have a primary seat belt law on average have a 12 percentage point's higher usage rate than states with a secondary law, such as Vermont. During the first full year of a primary seat belt law, some states saw a 21% reduction in fatalities and up to 24% for those less than 21 years old. Vermont has maintained an 84-85% seat belt usage rate for the past 14 years. A primary enforcement law sends motorists a clear message that the state considers belt use mandatory for the safe operation of a motor vehicle. NHTSA also advises that the passage of a primary seat belt law would likely induce 40% of current nonusers to wear seat belts. Vermont currently has a secondary enforcement seat belt law which has created a lower enforcement effort amongst law enforcement. Law enforcement chooses to issue verbal warnings traditionally instead of issuing a ticket for the secondary offense.
  
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**  
There would minimal cost to the Department of Public Safety for a primary seat belt law, some educational literature to inform troopers of the change in the law.
  
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**  
There is overwhelming support for a primary seat belt law amongst all state agencies in Vermont. There would be cost to Agency of Transportation for new signage to inform drivers of the law change. There would need to media coverage to inform the public of the law change.
  
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** When a person is involved in a motor vehicle crash, taxpayers often absorb the

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costs. In fact, 85% of all medical costs for crash victims fall on society, not on the individuals involved. When a crash victim is not seat belted, his/her costs for medical treatment are on average 50% higher than for those who wear seat belts. Belted crash victims average 60% to 80% lower hospital costs than unbelted victims. (NHTSA Sept. 2008 Est. Medical cost savings report for Vermont). As Vermont moves towards single payer healthcare system a primary seatbelt law is one way to lower medical costs for all. In 2005 the State of Vermont paid \$4,454,190, primarily in Medicaid expenditures, as a result of motor-vehicle-generated injuries. Patients paid \$617,163.

## **6. Other Stakeholders:**

### **6.1 Who else is likely to support the proposal and why?**

Advocates: NHTSA, CDC, Governor's Highway Safety Association, National Safety Council, the insurance industry, transportation industry, law enforcement and the American Medical Association. All of these groups support a primary seat belt as seat belts have proven to reduce serious injuries and save lives.

### **6.2 Who else is likely to oppose the proposal and why?**

The National Motorist Association advises: Mandatory seat belt laws increase motorist's harassment, erode personal freedom and set the stage for more onerous and punitive governmental measures. Some civil liberty and minority groups feel the primary seat belt law allows law enforcement to racial profile.

- 7. Rationale for recommendation:** The Department of Public Safety should support a primary seat belt law. There is overwhelming evidence that seat belts reduce injuries, save lives and save tax payers money in medical costs. The Center for Disease control and Prevention (CDC) estimates that since 1975 over 255,000 lives have been saved by using a seat belt. The CDC also recommends that increased fines can increase seat belt usage by more than 10% points. States with larger minority populations that were opposed to primary seat belt laws, such as Louisiana, have seen dramatic increases in seat belt usage and found that there was neither backlash nor any evidence of differential enforcement of the new laws among the different ethnic groups. In addition, the Vermont State Police currently tracks the ethnicity of all operators that troopers come in contact with on motor vehicle stops and crashes. That data will allow the Department of Public Safety to immediately address any disparity of certain ethnic groups being stopped. There are enormous public health and safety gains that can be made from a primary seat belt law. The current secondary enforcement law hampers Vermont's educational efforts in attempting to raise seat belt percentages.

- 8. Specific modifications that would be needed to recommend support of this bill.** This bill does not address the fine amount.

**Secretary/Commissioner has reviewed this document:** \_\_\_\_\_ **Date:** \_\_\_\_\_