

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.230 **Name of Bill:** An act relating to primary enforcement of the adult seatbelt law and exceptions to the seatbelt laws, taxi's and buses.

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

Date of Bill Review: 02-18-15 **Related Bills and Key Players:** DMV & School districts

Status of Bill: (check one)

☒ **Upon Introduction** ☐ **As passed by 1st body** ☐ **As passed by both bodies**

Recommended Position:

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

Analysis of Bill

- Summary of bill and issue it addresses.** This bill proposes to amend Vermont's adult seatbelt law to authorize primary enforcement of the law and to amend the adult and child seatbelt laws to eliminate the blanket exception for an occupant of a bus or taxi.
- Is there a need for this bill?** Yes. Over the past three years Vermont has averaged 63 motor vehicle related fatalities per year. On average, 27 of those killed are either not wearing a seat belt or were improperly restrained. In 46% of the fatalities in 2014 improper seatbelt or no seatbelt used was a contributing factor. 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 16 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.
The issue of seatbelts on school buses is complicated one. School buses are designed with safety being a primary emphasis. School bus drivers are required to receive special security and medical training. They are also required to undergo regular drug and alcohol testing. Statistically, a child riding in a school bus to and from school is significantly safer than walking, biking or being driven to school in a car. Approximately 6 children are killed in bus crashes while almost 800 are killed in alternate ways of travel. When children are injured or killed it usually does not happen during the regular route of travel for the school bus. Meaning these collisions occur during field trips or after school sporting events. This is when the driver is less familiar with the route of travel and traffic flow is not used to having a school bus in it.

The buses tend to be traveling on the interstate or higher speed limit zones then the normal neighborhood traffic the driver may be used to.

The theory of school bus design is compartmentalization. Compartmentalization requires closely spaced, energy absorbing, high-back padded seats. Compartmentalization offers virtually no protection in rollovers or side impact crashes. Compartmentalization is well suited for front or rear-end collision.

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. Due to the lack of specifics in the bill, a true accounting of the implications cannot be addressed. One implication for VT DMV would be researching the administrative rule making process to amend the School Bus Inspection Manual. The manual would have to be modified to address mandatory seatbelts and establish new guidelines for rejection criteria for buses without required seatbelts

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 an operator is involved in a motor vehicle crash, TAXPAYERS often absorb the costs associated with it. In fact, 85% of all medical costs for crash victims fall on society, not 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 continues to debate single payer healthcare system a primary seatbelt law is one way to lower medical costs for all. The State of Vermont pay roughly \$4,454,190, primarily in Medicaid expenditures, as a result of motor-vehicle-generated injuries. Patients pay approximately \$617,163. Taxpayers and school budgets would eventually foot the bill for retrofitting or purchasing new school buses. It would be an estimated \$1.8 million to retrofit 300 buses with a lap seat belt system. On average \$1,500 to \$2,000 cost per bus to include seat belts while producing new school buses. The majority of school budgets did not pass in 2014.

6. Other Stakeholders:

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

NHTSA, Governor's Highway Safety Association, The Vermont Highway Safety Alliance, National Safety Council, the insurance industry, transportation industry, law enforcement and the American Medical Association. All these groups support primary seat belt laws because of the implied reduction of motor vehicle crashes with potential loss of life, reduce serious bodily injuries and reduce property damage.

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. To that fact, the Vermont State Police were approached recently by the Vermont Partnership for Fairness and Diversity on strategies to increase seatbelt usage rates for people of color. School Bus

Providers (Schools and Companies) may oppose the bill. The opposition will mostly be based on the safety record of school buses and the increased costs associated with installing and upkeep of the belts.

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 350,000 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.

The National Highway Transportation Administration is neutral on the topic and advises "There is insufficient reason for a Federal mandate for seat belts on large school buses." "School bus transportation is one of the safest forms of transportation in the United States. NHTSA requires all new school buses to meet safety requirements over and above those applying to all other passenger vehicles. These include requirements for improved emergency exits, roof structure, seating and fuel systems and bus body joint integrity. These requirements help ensure that school buses are extremely safe."

There presently are six states that have school bus seatbelt laws. California has required school buses to have three-point seatbelts for vehicles manufactured on and after July 1, 2005. California law requires occupants of school buses to wear seatbelts and requires they be trained in proper use. It also holds harmless the operator, school, school district or organization for a violation of the law if the child was the cause of the violation.

Other concerns focus on bus operations and liability. Who will be responsible to see the belts are fastened and remain on? Will districts have to hire bus monitors to ensure the belts remain on? Who will be held responsible if a student takes their belt off and injures themselves or another occupant if a crash occurs? If Vermont makes it the driver's responsibility to ensure belts are continuously used, then are we creating an unsafe condition by diverting their attention from driving?

When seatbelts were first being installed in school buses, occupant capacity was reduced by a third. School bus seats are designed to hold three Elementary Students or two High School Students. The initial design of the seatbelt placement reduced the seating capacity from three to two Elementary Students. Newly designed seats have changed. A seat with seatbelts can now sit three smaller children or two larger children, so in fact the passenger capacity remains the same. Some seats come with built in booster seats for smaller children. With these seats, comes a cost.

In Vermont, the last fatality involving a student who was riding a school bus was in December of 2003. That fatality involved the student being struck by the bus after being dropped off at the bus stop. We have had two crashes in recent years where buses have gone off the side of the road and rolled.

Fortunately, students were not seriously injured. It is unknown if and when the last collision and/or roll-over occurred in Vermont resulting in a fatality to an occupant of a school bus.

Like the experts (NHTSA, NASDPTS, NTSB) we acknowledge three-point seatbelts would increase the safety of school buses but, also believe for this increase safety to take effect, occupants must use them properly. This Bill does not provide this requirement and presently, we have legislation that exempts passengers of Type I school buses from having to use seatbelts. We support the premise students who are provided transportation services now should not be displaced because of costs.

8. Specific modifications that would be needed to recommend support of this bill: **As of today, 02-19-2015 there have been five (5) fatalities in Vermont. 80% of those fatalities were not belted or improperly belted.** The State Police recommend that when buses are travelling outside the normal hours of operation, i.e., field trips or sporting events. The buses would then have adult chaperones and they could assist in making sure that the students wore their seatbelts relieving the burden on the bus driver. These events have historically shown to be more dangerous. The school district could have a few buses fully equipped with the seatbelt system. This would be a cost saving measure and would also be a safer alternative.

9. Gubernatorial appointments to board or commission? No

Secretary/Commissioner has reviewed this document

A handwritten signature in blue ink, appearing to be "K. Gray", is written over a faint circular stamp.

Date: 3/11/15