



## FACT SHEET

### Primary Enforcement Seat Belt Laws

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In 2013, 21,132 occupants of passenger vehicles were killed in motor vehicle crashes. Of those deaths, when restraint use was known, almost half (49%) were unrestrained at the time of the crash.<sup>1</sup> Seat belt use, reinforced by effective safety belt laws, is a proven lifesaver.

All states except one have seat belt use laws, but only 34 states (AL, AK, AR, CA, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, NJ, NM, NY, NC, OK, OR, RI, SC, TN, TX, UT, WA, WV and WI) and the District of Columbia have primary enforcement of their belt laws.<sup>2</sup> In states with primary enforcement, law officers may ticket a non-belt user when they see a violation of the seat belt law. With secondary enforcement laws, officers may issue a citation only after stopping the vehicle for another traffic infraction.

Primary enforcement laws are much more effective in increasing the use of seat belts.<sup>3</sup> Seat belt use is higher in states with primary enforcement laws compared to those with secondary enforcement laws or without seat belt laws.<sup>4</sup> Experience in a number of States indicates that usage rates rise from 10-15 percentage points when primary laws are passed.<sup>5</sup> Primary enforcement is important not only for raising adult safety belt use, but also for increasing the number of children who are protected by occupant restraints. In 2013, children under the age of eight, being driven by a belted driver had a higher belt use rate (91 percent) than children being driven by an unbelted driver (68 percent).<sup>6</sup>

#### Seat Belt Facts

- Lap-shoulder belts, when used, reduce the risk of fatal injury to front seat car occupants by 45% and the risk of moderate-to-critical injuries by 50%. For light truck occupants, seat belts reduce the risk of fatal injury by 60% and moderate-to-critical injury by 65%.<sup>7</sup>
- Nationwide seat belts saved an estimated 12,584 lives age five and older in 2013. An additional 2,388 lives could have been saved if all passenger vehicle occupants had worn seat belts.<sup>8</sup>
- The NHTSA recently estimated that needless deaths and injuries that result from non-use of seat belts cost society more than \$10 billion annually in medical care, lost productivity and other injury related costs.<sup>9</sup>
- Since 1975, over \$1 trillion in economic costs have been saved due to seat belt use.<sup>10</sup>
- In 2013, there were 214 passenger vehicle occupant fatalities among children age 4 and younger and of those, where restraint use was known, 27% were totally unrestrained.<sup>11</sup>

- The average inpatient costs for crash victims who don't use seat belts are 55 percent higher than for those who use them.<sup>12</sup>
- Regarding personal choice and individual rights in relation to highway safety laws, the U.S. District Court for Massachusetts held in a decision affirmed by the U.S. Supreme Court that , “...from the moment of injury, society picks the person up off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job; and, if the injury causes disability, may assume the responsibility for his and his family's continued subsistence.”<sup>13</sup>

## Primary Enforcement Law Facts

- States that have passed a primary enforcement law have seen dramatic increases in belt use rates. In 2014, states with primary enforcement seat belt laws had a use rate of 90%, while states with secondary enforcement laws or without seat belt laws had a seat belt use rate of 79%.<sup>14</sup>
- It is critical that states pass primary enforcement seat belt laws covering all seating positions, including the rear seat. In 2013, among front-seat passengers where restraint use was known, 48 percent were unrestrained, compared to 60 percent known unrestrained in the back-seat.<sup>15</sup>
- If every state with a secondary seat belt law upgraded to primary enforcement, about 1,000 lives and \$4 billion (2005 US\$) in crash costs could be saved every year.<sup>16</sup>
- Minnesota changed its seat belt law to primary enforcement in 2009 and the state's Department of Public Safety found that the upgrade resulted in higher seat belt use and fewer unbelted deaths. The state saw its seatbelt usage rate jump to nearly 93% from 87% and a drop in unbelted deaths from 150 fatalities in 2008 to 120 deaths in 2011.<sup>17</sup>
- In 2009, Wisconsin upgraded its seat belt law to primary enforcement and the state's Department of Transportation determined that Wisconsin's seat belt use rate increased to nearly 80% in 2011, an upgrade of eight percent. As of 2014, the belt use rate has increased to 84.7%.<sup>18</sup>

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<sup>1</sup> Traffic Safety Facts: 2013 Data, Occupant Protection, NHTSA, May 2015, DOT HS 812 153, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812153.pdf>

<sup>2</sup> Insurance Institute for Highway Safety: Safety Belts, available at <http://www.iihs.org/iihs/topics/laws/safetybeltuse?topicName=safety-belts>

<sup>3</sup> The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>

<sup>4</sup> Traffic Safety Facts Research Note: Seat Belt Use in 2014 – Overall Results, Feb. 2015, DOT HS 812 113, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812113.pdf>

<sup>5</sup> The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>

<sup>6</sup> Occupant Restraint Use in 2013: Results from the National Occupant Protection Use Survey Controlled Intersection Study, NHTSA Jan. 2015, DOT HS 812 080, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812080.pdf>

<sup>7</sup> Traffic Safety Facts: 2013 Data, Occupant Protection, NHTSA, May 2015, DOT HS 812 153, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812153.pdf>

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- <sup>8</sup> Traffic Safety Facts: 2013 Data, Occupant Protection, NHTSA, May 2015, DOT HS 812 153, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812153.pdf>
- <sup>9</sup> The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>
- <sup>10</sup> The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>
- <sup>11</sup> Traffic Safety Facts: 2013 Data, Occupant Protection, NHTSA, May 2015, DOT HS 812 153, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812153.pdf>
- <sup>12</sup> *Crash Outcome Data Evaluation System (CODES) Project Seat Belt and Helmet Analysis*, Research Note (Revised), National Center for Statistics and Analysis, NHTSA, February 15, 1996. <http://www-nrd.nhtsa.dot.gov/Pubs/96842.pdf>.
- <sup>13</sup> *Simon v. Sargent*, D.C.Mass.1972, 346 F.Supp. 277, affirmed 93 S.Ct. 463, 409 U.S. 1020, 34 L.Ed.2d 312.
- <sup>14</sup> Traffic Safety Facts Research Note: Seat Belt Use in 2014 – Overall Results, Feb. 2015, DOT HS 812 113, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812113.pdf>
- <sup>15</sup> Traffic Safety Facts: 2013 Data, Occupant Protection, NHTSA, May 2015, DOT HS 812 153, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812153.pdf>
- <sup>16</sup> The Nation’s Top Strategies to Stop impaired Driving: Primary Seat Belt Laws, NHTSA, 2007, available at <http://www.nhtsa.gov/people/injury/alcohol/StrategiesStopID/pages/PrimarySBL.html>.
- <sup>17</sup> Minnesota motor Vehicle Crash Facts 2008, Minnesota Department of Public Safety, 2009, available at <https://dps.mn.gov/divisions/ots/reports-statistics/Documents/CRASH-FACTS-2008.pdf>; and Minnesota motor Vehicle Crash Facts 2011, Minnesota Department of Public Safety, 2012, available at <https://dps.mn.gov/divisions/ots/educational-materials/Documents/CRASH-FACTS-2011.pdf>.
- <sup>18</sup> April 2015 MAPSS Performance Improvement Report: Mobility Accountability Preservation Safety Service, Wisconsin Department of Transportation, available at <http://www.dot.wisconsin.gov/about/performance/docs/perf-report.pdf>.