

SFA

BILL ANALYSIS

Senate Fiscal Agency

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House Bill 4220 (Substitute S-3 as reported)
Sponsor: Representative James A. Kosteva
House Committee: Transportation
Senate Committee: Government Operations

Date Completed: 4-23-90

RATIONALE

While seat belt use is mandatory for children four to 16 years of age in the front seat of a car, back seat passengers are not covered by this requirement. (Children under four must be secured in a child restraint system, whether in the front or back seat.) According to the Department of State, traffic accidents are the major killer andcrippler of children up to 16 years of age, and if there were 100% seat belt usage in rear seats, the Department estimates that 75% of rear-seat passengers who suffer traffic fatalities would survive. In addition, the Department reports that the Birmingham Accident Research Unit in the United Kingdom has concluded that widespread use of rear-seat safety belts would save 6% of those front-seat passengers who die in traffic accidents as a result of the force of rear-seat passengers thrown forward. Since the traffic safety evidence shows that seat belt use, in both the front and rear seats, can save lives and avoid serious injury, some people believe that back-seat safety belt use among children should be mandatory. Many also believe that a driver's failure to ensure that children are properly strapped in should be a primary rather than secondary traffic offense, at least in the front seat. (Under current law, seat belt requirements are secondary offenses--a person can be penalized only if he or she has been detained for a different suspected violation of the Vehicle Code.)

In addition, since all 50 states now have child restraint laws and over 95% of the pickup

trucks registered in Michigan are equipped with seat belts, some feel that exemptions from the seat belt law for nonresidents and trucks should be removed from the law.

CONTENT

The bill would amend the Michigan Vehicle Code to require the driver of a vehicle to secure, in a properly adjusted and fastened seat belt, all children at least four but less than 16 years old. Failure to do so, in the front seat of a vehicle, would be a primary offense. The bill also provides that the Code's provisions that require the use of a child restraint system for children under age four would apply to: a nonresident driver transporting a child in the State, and a driver transporting children in a truck. (The bill would retain the exemption for other specific vehicles, such as buses and taxies, and vehicles exempt under Federal law.)

The bill provides that the requirements to secure children at least four but less than 16 years old would not apply if there were, in a vehicle, more children than available safety belts, and all the belts in the vehicle were in use.

MCL 257.710d and 257.710e

SENATE COMMITTEE ACTION

The Senate Committee on Government

H.B. 4220 (4-23-90)

Operations adopted a substitute (S-3) to the bill that would make it a primary offense to violate the requirement that children between four and 16 years of age wear seat belts in the front seat. (That is, a law enforcement officer could stop and cite a driver for that offense if he or she believed the driver was in violation.)

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State and local units of governments. Enforcement costs and fines collected as a result of this bill would depend on the level of enforcement and the number of convictions.

ARGUMENTS

Supporting Argument

Expanding the scope of the mandatory seat belt law is simply good public policy. The law has the support of a large number of people in medicine, highway safety research, law enforcement, insurance, auto manufacturing, and government. This coalition recognizes the fact that seat belt use saves lives and reduces the number and severity of injuries. Experience has shown that mandatory seat belt laws produce a significant and lasting increase in the use of seat belts, even when enforcement is relaxed. Among the arguments of proponents are the following:

- Persons involved in accidents and those who are close to them suffer incalculably, but the harm does not stop there. Everyone pays--in the form of higher taxes to pay for government services to victims and their families, hospital and medical costs, insurance premiums, lost wages and economic opportunities, and increased business expenses. Traffic accidents increase the cost of such government services as Medicaid, Aid to Families with Dependent Children, and Crippled Children's Fund, as well as special education and care in State institutions.
- The law is easy and inexpensive for the State to administer and for the public to comply with. Seat belts are standard equipment in most passenger vehicles, and the law exempts vehicles that do not routinely have them. State Police

officials have said that even relying on voluntary compliance significantly increases the use of seat belts. Expanding the mandatory law could have a long-lasting effect on driving habits--children might grow up with the idea that wearing a seat belt is simply an essential part of riding in an automobile.

Opposing Argument

The bill would guarantee the expansion of a bad idea. The mandatory seat belt law is nothing more than a government violation of the civil rights of its citizens. Even if one grants the overall beneficial effect of wearing seat belts, a mandatory use law still cannot be justified. By removing from the individual the right to choose his or her own level of risk, his or her own style of living, the State is essentially substituting its own judgment for the judgment of the individual: this is an illegitimate interference with the right of self-determination traditionally guaranteed to individuals in our society. The argument that the imposition of a seat belt law is justified by the great costs associated with the public's failure to wear seat belts is a specious one. The rights of Michigan's citizens are too important to be evaluated merely on the basis of cost-benefit ratios. Following this line of logic, one sure way to reduce health care costs would be for each individual to eat properly, get plenty of rest, quit smoking, exercise sensibly, reduce stress, and so on. Yet no one is required by law to do any of these things, despite the social cost of allowing people their bad habits.

Response: Driving is not a right but a privilege. When one drives, one implicitly consents to the regulation of his or her driving by State and local governments, for the sake of public safety. The protests provoked by the mandatory seat belt law are somewhat surprising, since many of the more vociferous of the law's opponents, simply by virtue of their operating a car on public roads, have consented without protest to traffic laws that could be regarded as equally "intrusive" as the seat belt requirement. Consider the State's drunk driving laws: although a strong case can be made for protecting the rights of someone who may be suspected of impaired or intoxicated driving, few would argue that government does not have some obligation to

keep freewheeling drunkards off the road.

Opposing Argument

Seat belt use can produce injuries and cause deaths in accidents, in great part through trapping people in their vehicle. Further, there are many reasons for the high number of deaths and injuries on the State's roads; it is unfair to single out the lack of seat belt use. Today's cars are less safe than those of the recent past, for example.

Response: Most traffic safety experts argue that the use of seat belts is almost never detrimental to the occupants of automobiles. The idea, for example, that people can be better off if "thrown free" of their vehicle in an accident is given very little credence by those in the traffic safety and medical fields. One of the great advantages of wearing a seat belt is that in a collision a person stands a much better chance of staying conscious, of not hitting the dashboard or windshield. Obviously persons who are conscious stand far less chance of being trapped in a vehicle.

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