

EXHIBIT 7  
DATE 3/11/05  
SB 43

**TO: Committee Members of House Judiciary Committee**  
**FROM: Steve White, Bozeman**

**RE: SB 43 – Revise Seatbelt Laws**

My testimony is not against seat belts, but against government to create laws that penalize innocent citizens who are operating their vehicles in a perfectly safe manner, but are not seated in their car according to government standards.. Where does it stop? What about both hands on the wheel, using a cell phone, opening the glove box, etc..? And we could even develop safety laws for our homes. On an annual basis the government should check our home for fire extinguishers, outlets for safety caps, or lamps for bad wiring, etc..

If this law were enacted, and two cars pass by a patrolman: the first is a 1968 pickup, and the second a 1997 pickup, with neither driver strapped in; only the driver of the 1997 vehicle would be cited. Why? Because the earlier vehicle was built prior to 1973, thereby exempt (61-9-409 MCA). Though neither driver was being reckless, one will receive a ticket based upon the way he was sitting in the newer pickup.

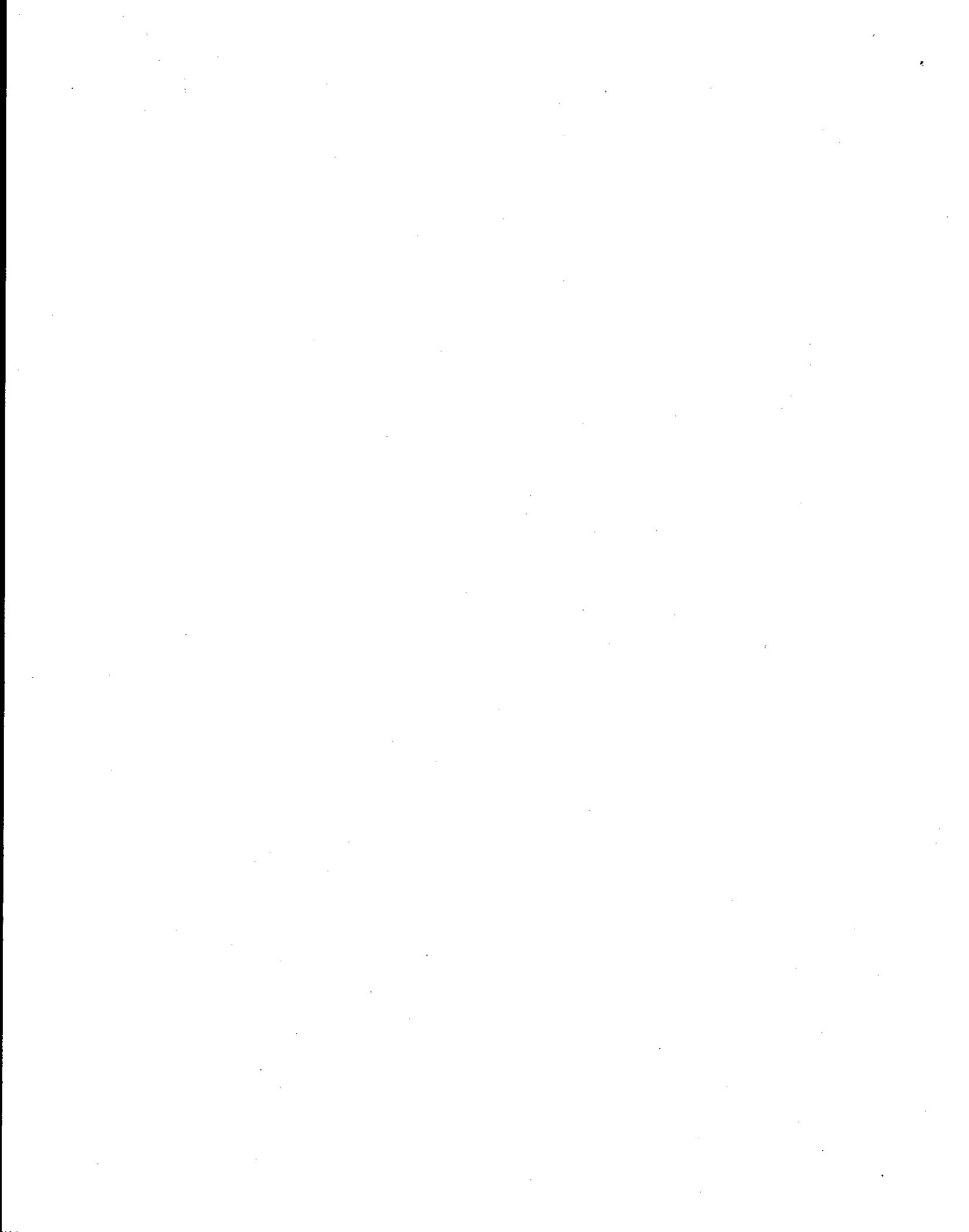
In 1987, when Senator Halligan originally introduced SB 111 to create requirements for wearing seat belts, the legislature passed it on the condition that citations could only be given if another offense were committed. (transcript attached). And now 16 years later we are revisiting the statute and adding more teeth.

As I stated in my oral testimony I believe in seatbelts. My wife and son survived a head-on collision several years ago with a drunk driver. It totaled our car, and the seatbelts were responsible in saving them from injury. I believe in safety; I wear a helmet when I ski, kayak, climb, mountain and road bike. I wear a seatbelt when I drive. But, at the same time, I lost a close friend as the result of a seatbelt compressing his chest in an accident.

But I am a firm believer that government cannot legislate intelligence. In many instances there have been abuses in the enforcement of laws such as this. As an example, in 2002 a driver in Bozeman was taken to jail for a seatbelt violation (attached article). In Texas several years ago a mother was hauled off to jail after being pulled over driving slow in a subdivision with her children (attached article). She appealed to the US Supreme Court and ultimately lost. In LA, minorities claim that states that allow local police to stop drivers for not wearing seatbelts promotes racial profiling (attached article).

And in 2002, the Pentagon was called into action in assisting law enforcement in checking for seatbelt usage (article attached).

Only 22 states have primary seatbelt laws. Comparing seatbelt usage in primary and secondary states, it is clear that the usage follows similar patterns. There are primary



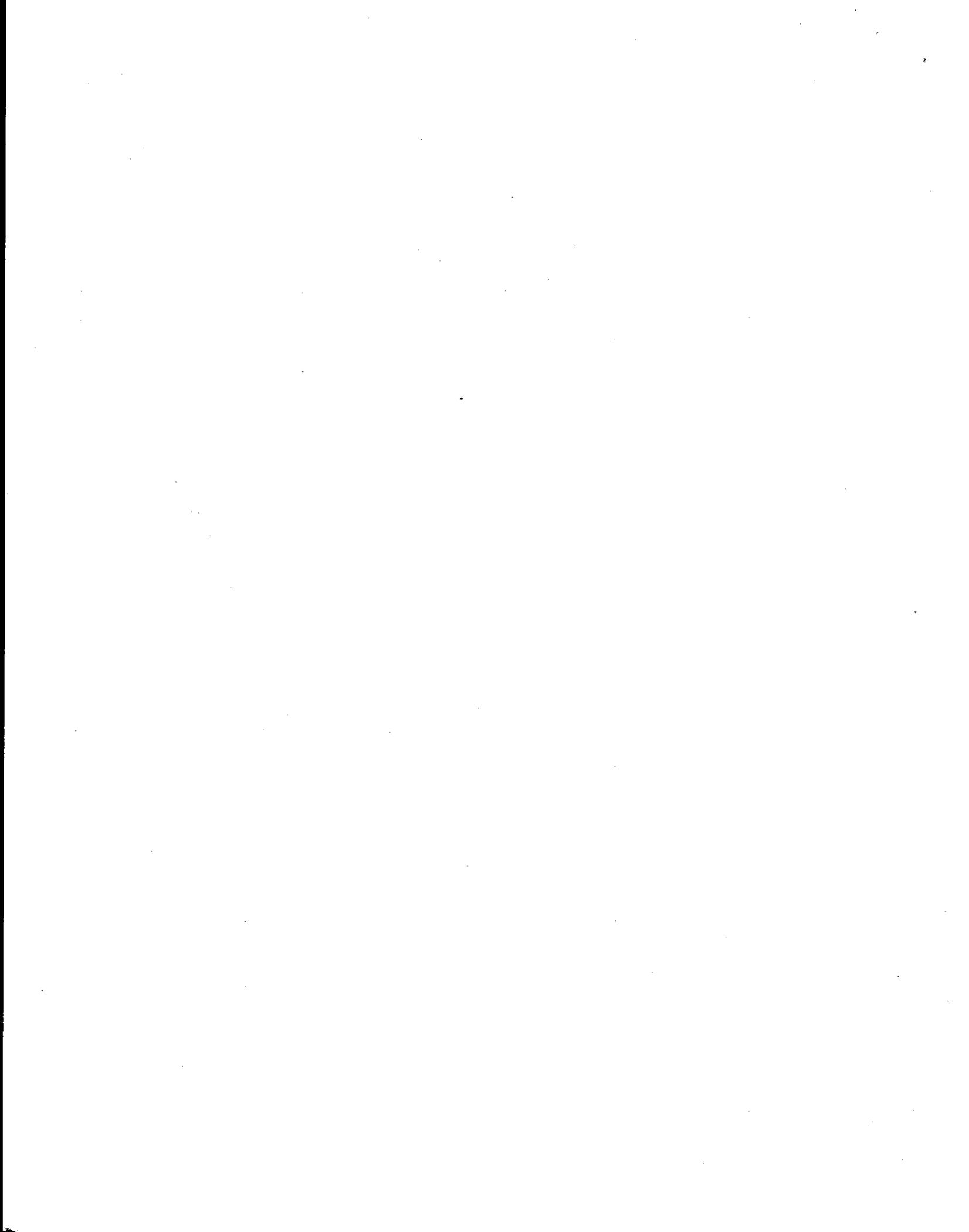
states that still have usage less than secondary states (1998 graph attached). This is simply due to the public demonstrating personal responsibility by buckling up. In fact, even though Montana is 'only' a 'secondary' state, its usage in 2003 exceeds that of SEVEN primary seatbelt law states. Interestingly our state with a secondary law has exceeded the national average use rate for the last 4 years.

A recent study of seatbelt usage revealed that Arizona with a secondary law matched a primary state Hawaii with an astounding 95% usage. The highest ever reported. The citizens of Arizona did not need a primary law to improve their usage.

A recent poll conducted by the Independent Record demonstrated that the general mood of the respondents was against a primary law, TWO TO ONE.

Montana does not need a change in our statute. It is clear that Montanans are responsible drivers. In summary, I agree with the platform of the Montana Republican Party:

*"We support the concept of individual responsibility that each person is solely responsible for his or her actions. We oppose laws that would change Montana's seatbelt law from a secondary offense to a primary offense. Montana drivers should be punished for driving in a reckless manner, and not because the driver was driving in a safe manner, without wearing a seatbelt."*



MINUTES OF THE MEETING  
PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE  
MONTANA STATE SENATE

February 9, 1987

The meeting of the Senate Public Health, Welfare and Safety committee was called to order by Chairman Dorothy Eck on February 9, 1987, at 1 P.M. in Room 410 of the State Capitol.

ROLL CALL: All members of the committee were present.

FURTHER CONSIDERATION OF SENATE BILL 111: Senator Norman explained the amendment to the bill, which he had requested. This amendment states that a police officer may not stop a driver for being in violation of the seat belt requirement (section 3), but may be stopped for another violation and then checked for seatbelts. Sen. Rasmussen stated that the original language intended for the bill was to have been like the amendment. Sen. Jacobson stated that it is done like this (like the amendment) in other states, but that it was the intention of the seat belt coalition to make it a primary offense to encourage people to comply with the law. Karen Renne stated that Sen. Halligan, sponsor of the bill, did not favor the amendment. Mona Jamison, lobbyist for the Seat Belt Coalition, stated that states that make the non-wearing of seatbelts a secondary offense find that the strength of the law is diluted and the benefits of saving lives and preventing injuries are lessened. The amendment received a DO PASS. See the attached roll call vote.

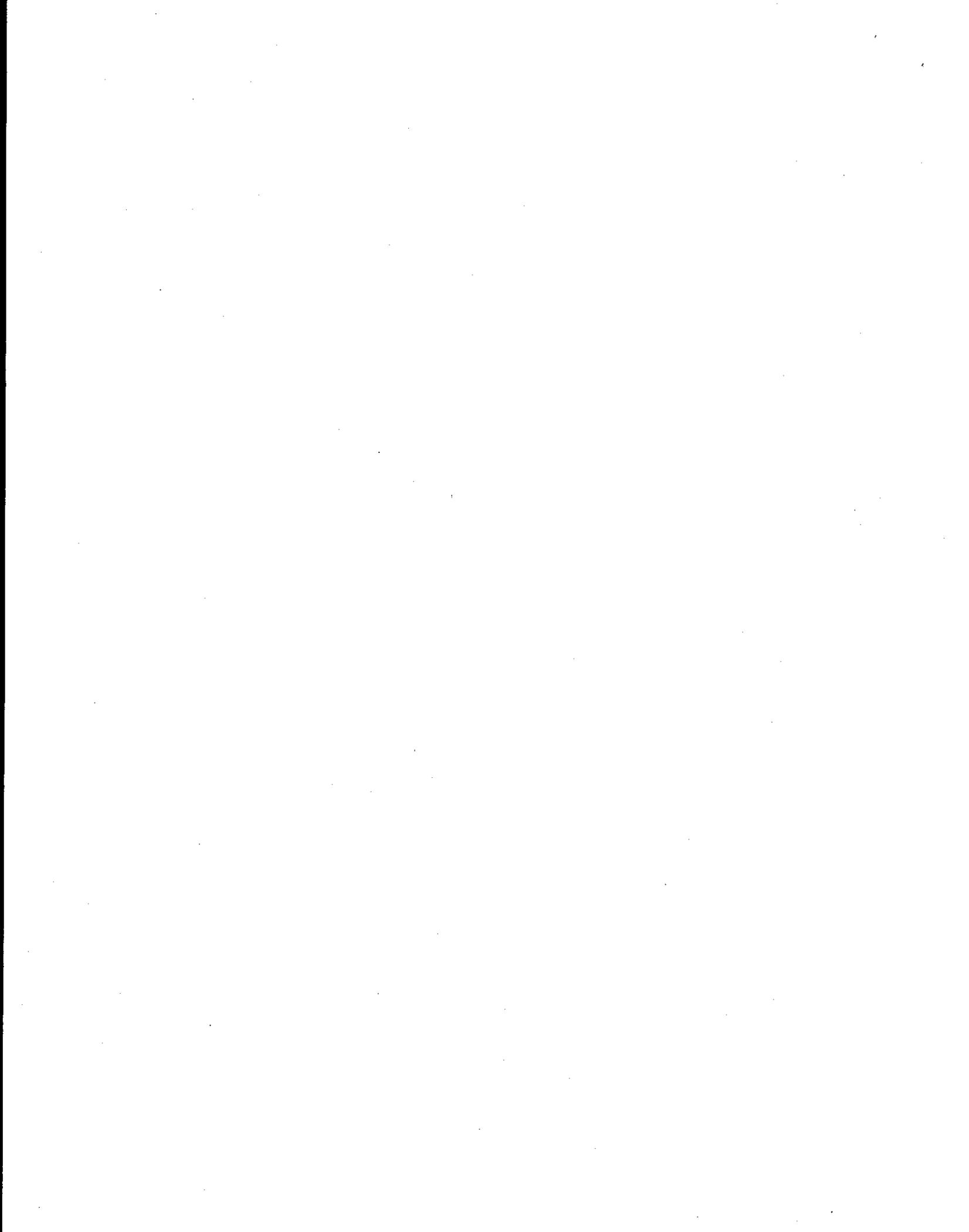
The amendments requested by the sponsor of the bill were discussed next. Sen. Jacobson explained that delaying the effective date allows for the opportunity to educate the public before the law takes effect and that this was done with the child restraint law and worked well. Mona Jamison stated that many senators had told Senator Halligan that \$25 was too high a fine and that \$20 was better. Senator Halligan felt the \$5-\$10 was too low.

Senator Williams moved the amendments. Senator Meyer proposed that the fine be amended to \$10, stating that the state charges only \$5 for exceeding 55mph. Senator Jacobson reminded the committee that the fine for violating the child seatbelt restraint law is \$25. Sen. Rasmussen commented that a \$10 fine guts the bill.

Sen. Williams questioned in Section III if the penalty is assessed just once against the driver or if it totals the number passengers not wearing seatbelts. Karen Renne clarified that just the driver is responsible for himself and all passengers and that just one fine is paid by the driver.

Senator Meyer's amendment was defeated with Senators Himsl, Norman, and Meyer voting yes, all others voting no. The second set of amendments were voted on and received a DO PASS, with Senator Meyer voting no.

The amendments from the Trial Lawyers Association were then discussed; and Karen Renne noted that Sen. Halligan does not object. Sen. Jacobson stated that the same amendments were proposed for



## Montana, 36 other states, improve seat belt usage

WASHINGTON (AP) — Seat belt use rates increased in 37 states, including Montana, this year, a fact that federal highway safety officials attribute to increased awareness and police enforcement.

Arizona and Hawaii achieved seat belt use rates of more than 95 percent, the highest ever reported, the National Highway Traffic Safety Administration said. The national seat belt use rate in 2004 was 80 percent, also an all-time high.

Mississippi improved its seat belt use rate by 1.6 percent but still had the lowest rate in the nation at 63.2 percent. Massachusetts, Arkansas and South Carolina were the only other states with belt use rates at 65 percent or lower.

Montana's seat belt use increased from 79.5 percent last year to 80.8 percent.

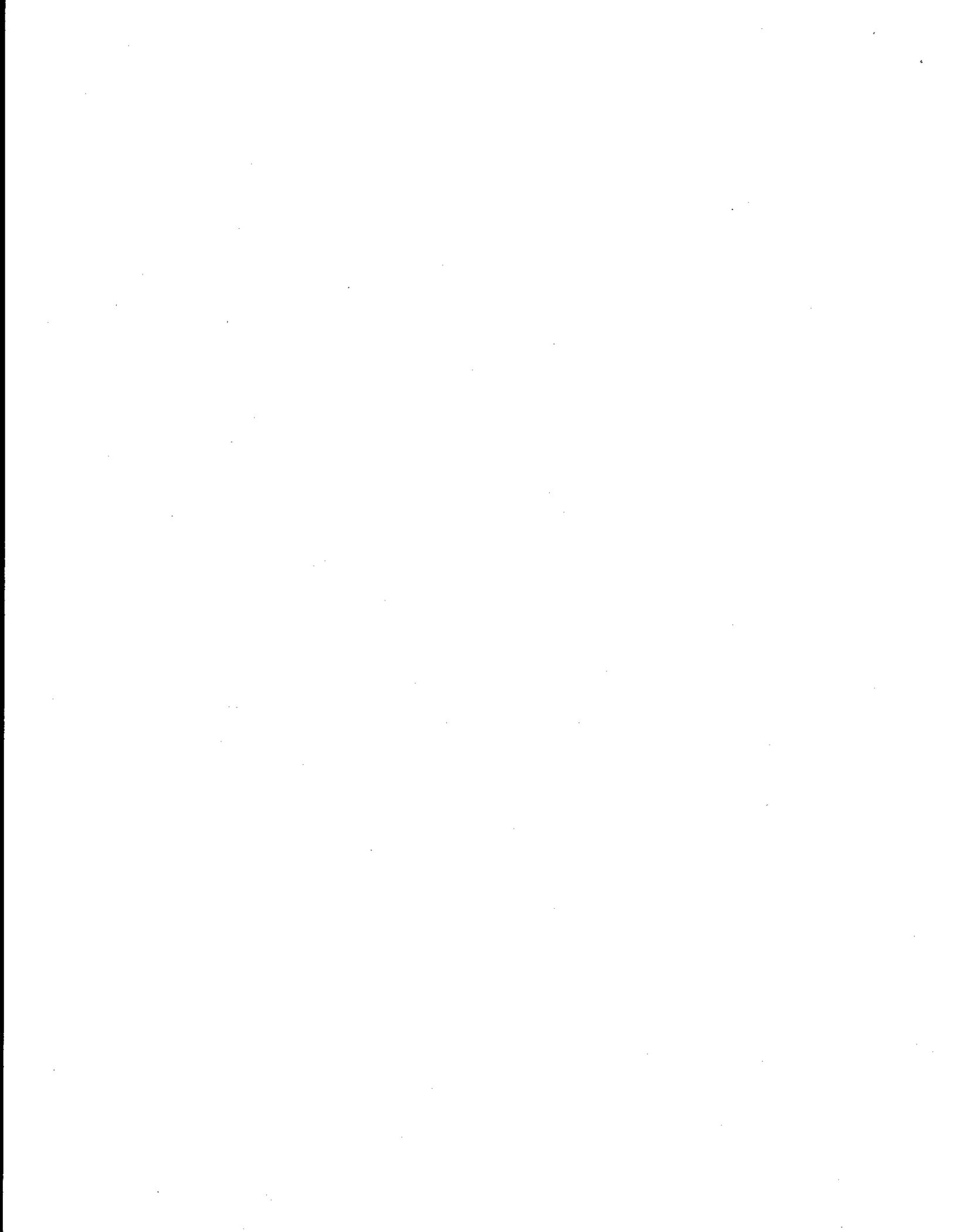
NHTSA Administrator Dr.

Jeffrey Runge said seat belt advertising campaigns combined with police enforcement have helped boost the numbers. Most states collected their data in June, shortly after a \$30 million national advertising campaign.

Primary seat belt laws, which allow police to stop a motorist for not wearing a seat belt, also may increase use levels, NHTSA said. Tennessee, which passed a primary belt law in July 2004, saw its belt use rise from 68.5 percent in 2003 to 72 percent in 2004.

Still, the contribution of primary belt laws appears to be mixed. Arizona, with the highest use rate of 95.3 percent, doesn't have a primary seat belt law; the other five

states with use rates over 90 percent — California, Hawaii, Michigan, Oregon and Washington — have them. Puerto Rico, which had a use rate of 90.1 percent, also has a primary belt law.



## Most against seat-belt law

*By The Helena IR - 3/07/05*

Last week's Question of the Week asked whether seat-belt violations should be made a primary offense, which means that police wouldn't need another reason to pull you over and cite you. A large majority was against the idea.

Among 940 responses to this unscientific poll, 637 opposed the proposal and 303 were in favor.

Some readers' comments:

-- No, since they don't have laws against driving with an unrestrained animal, or talking on a cell phone, or eating while driving (all of which constitute a safety hazard to others), why should they prosecute a driver not wearing a seat belt, which poses no hazard to others?

-- Seat belts save lives; what else is there to say? Many lesser offenses are primary that are not as closely related to saving lives. Those who object must be letting their Montana libertarian streak override their common sense.

-- This bill is nothing more than a revenue enhancement bill. (We can increase your budget 20 bucks at a time.) Seat belt use is up because of education and changing habits, therefore a primary bill is not needed.

-- Yes, I think a driver should be stopped and fined. I also think a person driving using a cell phone is as dangerous as a DUI and should be fined and treated the same.

-- Our legislators seem to favor laws that "protect" me from myself, but are reluctant to pass laws (driving while using cell phones, distracted driving laws, etc.) that will help protect me from other drivers. We are especially vulnerable to motor vehicles being operated by distracted drivers.

-- There is substantial proof that seat belts save lives. If people don't usually wear seat belts, but are forced to because wearing a seat belt is a primary law, it may likely save their life one day.

-- Only if it has to do with children under 18.



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## Police to step up seat belt checks for holiday

WASHINGTON (AP) —During the busy Thanksgiving travel week, police will be looking out for motorists who are not wearing seat belts.

More than 12,000 law enforcement agencies are participating in the stepped up enforcement of seat belt laws.

In the campaign that runs from Monday through December 1, officers will set up checkpoints, increase highway patrols and ticket drivers who do not buckle up or properly restrain children.

The Pentagon is joining the effort this year because men age 18 to 25 make up a large percentage of military personnel and are less likely to buckle their seat belts. The National Safety Council says more military personnel are killed in crashes than in combat and training combined: 321 in traffic accidents, fewer than 250 in training and fighting.

"We don't leave our young servicemen and women on the battlefield, and we shouldn't leave them on the highway either," said Gen. James Jones, commandant of the Marine Corps, the branch with the highest death rate.

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**Find this article at:**

<http://www.cnn.com/2002/TRAVEL/11/24/seatbelt.checks.ap/index.html>

Check the box to include the list of links referenced in the article.

# CHRONICLE



TUESDAY, AUGUST 13, 2002

50 Cents

A6 BOZEMAN DAILY CHRONICLE, Tuesday, August 13, 2002

## Police reports

The Bozeman Police reports for Monday included the following:

■ A man driving near the intersection of Main Street and Third Avenue was pulled over at 12:30 a.m. Monday. He was arrested and taken to jail on a warrant for failing to pay an old ticket for not wearing his seat belt.

■ A man was pulled over at 1:50 a.m. Monday on the 100 block of North Seventh Avenue for having one headlight out. He was cited for driving with a suspended license, and released because the jail was full.

■ Four men were cited for criminal trespass early Sunday morning after climbing around on the roof of the Bozeman Hotel. Before being cited, two of the men fell 35 feet from the building's highest roof to a lower roof and were taken by ambulance to Bozeman Deaconess Hospital where they were treated and released.

■ A caller on the 1200 block of South Fifth Avenue said Sunday that...

### Correction policy

The Chronicle promptly corrects substantial factual errors. To report an error, call managing editor Bill Wilke or city editor Karin Ronnow at 587-4491.

p.m., SOB Barn, MSU campus call Michael Holland for information, 587-1815.

Bozeman Quilter women interested 587-2165.

Bozeman Post "Little Ones" runtime for 5, stories, movement a.m., 58 Boz and St a.m.; 10:3 p.m.

F

# Jail gets reduced price tag

## Cost of detention center lowered to \$13 million

By NICK GEVOCK  
Chronicle Staff Writer

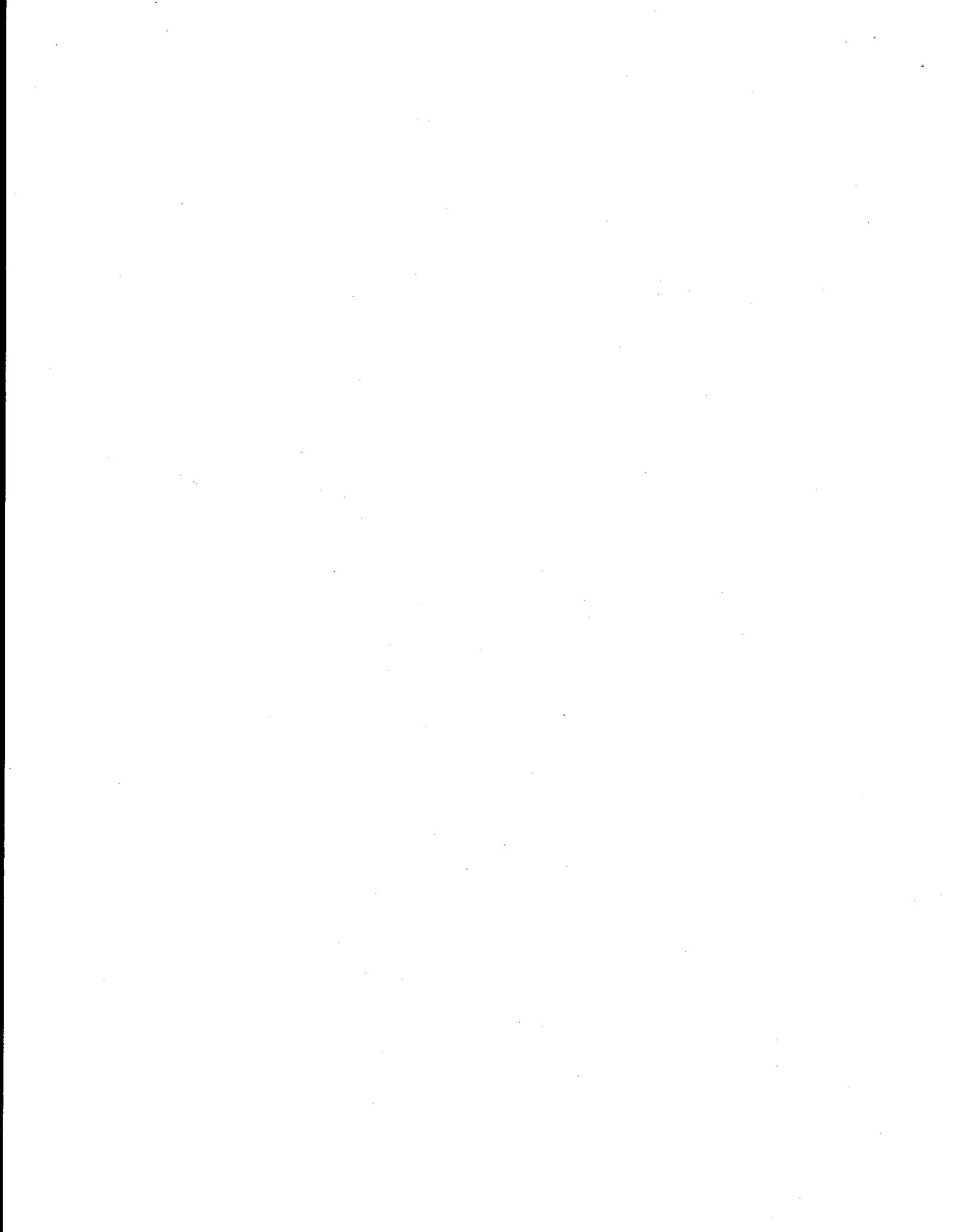
The \$18.3 million jail that was soundly rejected by Gallatin County voters in July, could be built for \$5.3 million less, a citizen's group appointed to design a new jail has concluded.

The Gallatin County Detention Center Project Team, five residents who crafted the newest jail plan, wrote in a letter that the county could build a 72,000-square foot jail for \$13 million.

But the team did not put a number of beds on the proposal.

"The specifics of the detention center (bunk capacity, amenities, etc.), and allowances for future growth can be discussed and determined after the vote for the bond has passed," team members wrote.

County commissioners passed a nonbinding resolution last September to put the team's proposal to build a 144-bed jail on South 16th Avenue for \$18.3 million before voters this fall. That's the same price and jail design voters rejected in July by a 73-to-27 percent margin. That citizen initiative, however, called for the jail to be built on land the county owns on Oak Street.



# Police power at issue

## Supreme Court to decide case of Texas arrest

AUSTIN, Texas (AP) — Gail Atwater's slow drive down a dusty Texas road has taken her all the way to the U.S. Supreme Court.

She was arrested, handcuffed and locked in a jail cell in 1997 — because she and her two children weren't wearing seat belts while riding in the family pickup truck.

That family drive has become a challenge of the power of police. The Supreme Court will hear arguments Monday from lawyers for Atwater, and the city of Lago Vista on whether her arrest violated the Constitution's Fourth Amendment, which bans unreasonable arrests and searches.

"Our lives would have been much better if we would have just swallowed it," Atwater said. "We're not anti-cop ... (but) this is about reining the cops in and how far cops can intrude in our lives."

The court's ruling could affect just about anyone with a driver's license, said Atwater's attorney, Robert DeCarli.

"Every driver, if they get caught committing a traffic violation, they expect to get a ticket. Nobody expects to be handcuffed and taken to jail," DeCarli said.

Atwater, 48, was driving her children, Mac and Anya, who were then 4 and 6, home from soccer practice when she was stopped by Lago Vista police officer Bart Turek.

According to Atwater, a toy had fallen out of the pickup and she had unbuckled everyone's seat belts so they could look out the windows for it. She was driving at only about 15 mph on an otherwise deserted road when



Gail Atwater, left, poses with her two children Anya, center, and Mac, Nov. 30, 2000, at her home in Lago Vista, Texas. The 48-year-old soccer mom was jailed in 1997 because she and the children did not wear seat belts while riding in the family pickup truck.

Turek came along and stopped her.

Atwater could not produce her driver's license and proof of insurance. She said her purse had been stolen.

She said Turek yelled "You're going to jail!"

"I can't tell you enough how horrible it was for my kids," Atwater said.

It was not their first encounter. Turek had pulled her over once before when he thought her son was not belted in, but he didn't give her a ticket that time because the boy was, in fact, wearing a seat belt.

This time, Turek took Atwater to the police station while a friend took the children.

She was booked and placed in a holding cell for about an hour before posting \$310 bail. She later pleaded no contest to three seat belt violations and paid a \$50 fine for each, along with a \$110 towing fee on her pickup.

Under Texas law, a police officer is allowed — but not required — to arrest someone for a seat belt violation. The offense does not carry jail time.

Atwater complained to the

city and asked for her \$110 back, but when she got no satisfaction she and husband Mike Haas sued the city, Turek and police Chief Frank Miller.

"All I wanted was to rein this guy in, and get reimbursed the money for towing the truck," Atwater said. She said she never asked for an apology. "I knew they wouldn't do that. That would be an admission of guilt."

A federal district judge first dismissed the case. A three-judge panel of the 5th U.S. Circuit Court of Appeals sided with Atwater but the full 17-judge court later reversed that ruling. Atwater is asking the Supreme Court to let her lawsuit proceed. She has the support of the Texas office of the American Civil Liberties Union.

"The fear of minor traffic offenses that don't even have jail terms does not outweigh the right to be left alone," said Will Harrell, executive director of the ACLU office in Austin.

Federal and state attorneys filed briefs in support of Lago Vista, a town of about 2,500 people located 15 miles northwest of Austin.

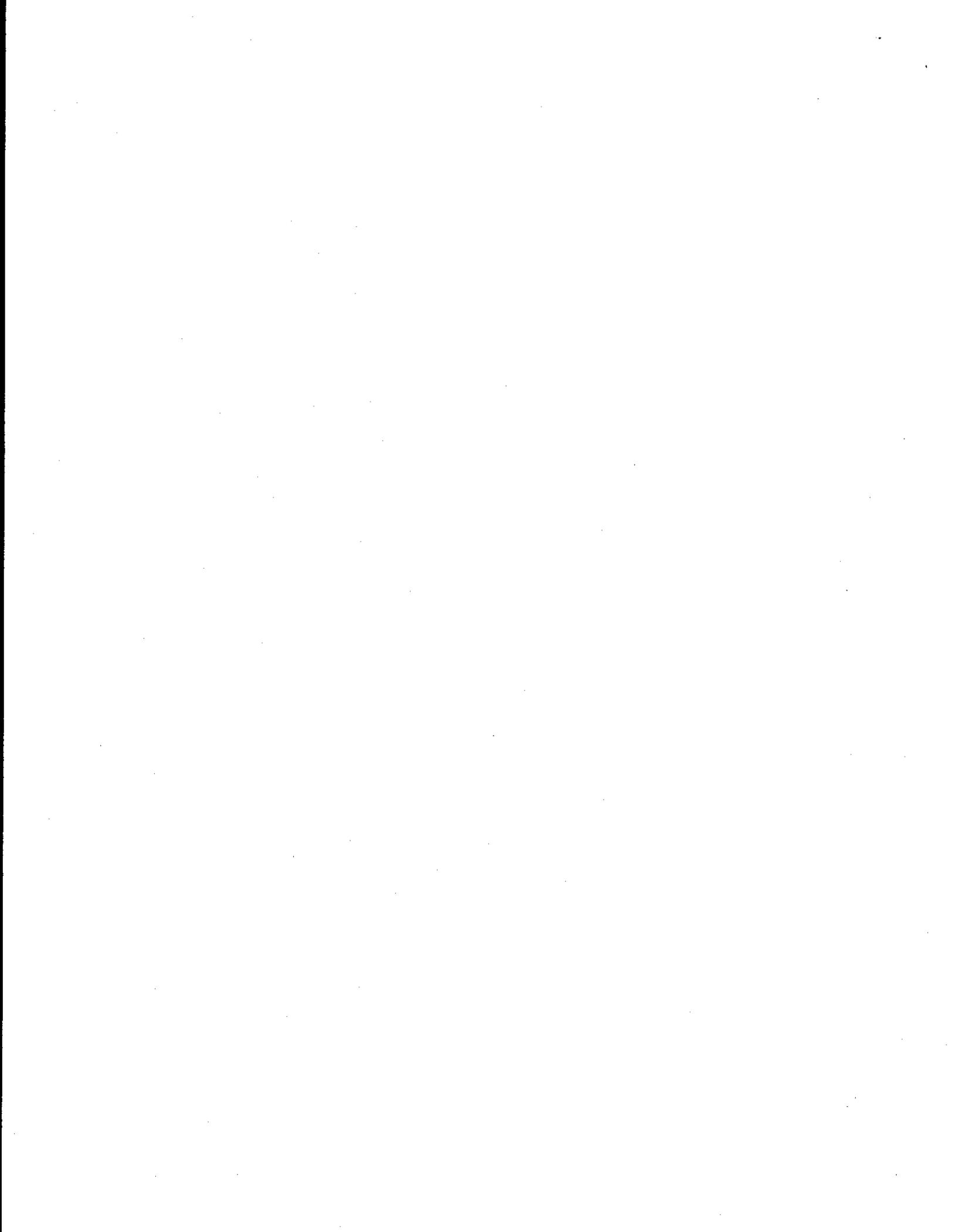
"The state of Texas has a very significant interest in making sure that toddlers are wearing their seat belts so they won't be harmed or killed in accidents on Texas highways," said state First Assistant Attorney General Andy Taylor.

Bill Krueger, the lawyer defending the city and police department, has said the officer's actions were reasonable and constitutional. He would not discuss the case with The Associated Press.

Lago Vista Mayor Dennis Jones wouldn't comment. Turek is now a Williamson County sheriff's deputy. It was a career move for Turek and he wasn't asked to leave, Jones said.

In addition to the \$110 towing fee, Atwater and her husband, an emergency room doctor, are seeking attorneys fees. They have spent about \$110,000 fighting the case, sold their house in Lago Vista and borrowed money from their parents.

"We've had more marital fights over whether to go forward with this thing. He's the one staying up all night and watching the money go to lawyers," Atwater said.



## FACTS ABOUT STATE MANDATORY SEAT BELT LAWS

By William J. Holdorf

1. While the use of a seat belt has saved some people in certain kinds of traffic accidents, **there is ample proof that in other kinds, some people have been more seriously injured and even killed only because of seat belt use.** In the latter case, such injuries and deaths are not given the same degree of publicity, if any, as given when people are supposedly saved by seat belt use. Such bias in compiling traffic accident data exaggerates the so-called benefit of seat belt laws which misleads the public into thinking that seat belt use automatically means safety; non-use automatically means death in all kinds of accidents, which is false.
2. In spite of the fact the government is forcing the use of a device that can be injurious and even lethal in certain situations, **the government refuses to be held financially responsible for such injuries or deaths.** Instead, the government expects the injured or survivors of those killed to obtain financial satisfaction from their own savings, or insurance, or by suing the auto makers.
3. There is ample proof that some people in certain kinds of traffic accidents have survived only because a seat belt was not used – injured, perhaps, but not dead. **Such persons, by law, are subject to a citation and a fine for not dying in the accident.**
3. **If a person is killed while using a seat belt, law supporters claim the accident was so severe, not even a seat belt could have saved the person.** Actually, that might be true in some cases, but the severity of an accident is never a factor in compiling a list of persons killed while not using a seat belt, which, again, adds to the bias in traffic accident data in support of seat belt laws.
4. Evidence of seat belt use increasing injuries or causing a person's death in certain kinds of traffic accidents is well documented in the hundreds of successful lawsuits filed against the auto makers since the advent of seat belt laws in 1985. **Court ordered settlements and punitive damage awards forced the auto makers to pay hundreds of millions of dollars to the injured or survivors of those killed as a result of the failure of the seat belt to save as promised.** Some lawsuits were settled out of court which sealed the evidence of seat belt design defects from the public, including other lawyers with similar cases.

5. **Hundreds of thousands of autos, vans and light trucks have been recalled as a result of discovering defects in certain seat belt designs** after the fact, which means the motoring public has been forced by law to become unwilling guinea pigs, unlike how all other products in the marketplace are treated. In a letter published in the September/October 1990 edition of *AAA World*, a publication of the Chicago Motor Club, Jerry Curry, NHTSA Administrator, said: *We opened 213 new defect investigations in 1989, the highest one-year figure in the agency's history. A total of 6.8 million vehicles were recalled that year, a million more than the national average.* While Mr. Curry did not say how many such recalls involved seat belt defects, such recalls, again, reflect how the public is being used as guinea pigs for automotive products.

5. There is a body of law that states a person has the right to refuse any personal health care device, drug, treatment, or surgery, even if such refusal might result in an earlier death or an increase in medical expenses. **All seat belt laws, therefore, violate a person's right to freely choose to use or not to use a "health care" seat belt harness.** Any medical professional attempting to do the same would be prosecuted, yet politicians claim they can ignore the law while demanding strict compliance from the private sector.

6. **In 1991 the U.S. Supreme Court confirmed the right to determine one's personal health care standard in the Johnson Controls case.** Also, a federal appeals court upheld a \$100,000 award in 1993 to a 320 pound woman who sued the state of Rhode Island for refusing to hire her back to work unless she lost weight. The federal Equal Opportunity Commission had earlier ruled obesity a protected right under the Act, and the court agreed even though obesity is a self-inflicted health hazard and causes more premature deaths each year than highway fatalities.

7. While there is extensive publicity always given those who support seat belt laws, research published by **independent** professionals, which challenges the 'benefit' of seat belt laws, is never printed in the national news media, thus the public is denied the right to know there is a legitimate contrary side to the seat belt law controversy.

8. **At one time, it was the same with air bags until one investigative reporter decided to start printing the truth about air bag dangers** in certain kinds of traffic accidents. The bureaucrats in the U.S. Dept. of Transportation were so adamant against telling the public about such dangers, which the public had

a right to know, the reporter had to use the Freedom of Information Act to force the government to release its own documented records of air bag injuries and deaths.

## **PRIMARY ENFORCEMENT STATES**

The insidious nature of seat belt laws is shown even further in states with primary enforcement of the law. The following is what can happen in states with primary enforcement:

**1. Your vehicle can be stopped anytime, day or night, by the police merely under suspicion a seat belt is not being used.** And even if mistaken, once the vehicle is stopped the officer can begin routine interrogation and testing – force occupants to exit – visually check out the contents of the inside of the vehicle looking for any kind of a violation of the law, all without the right of legal counsel; all under the pretense of not using a seat belt.

**2. Primary enforcement encourages an increase in random roadblocks.** In a 1994 statewide campaign, North Carolina conducted 2,038 roadblocks in two weeks under the pretext of checking for seat belt use. In spite of further use of random roadblocks that year, which the governor boasted increased seat belt use to 80%, total highway fatalities actually increased in the state for 1994 over the record of each of the preceding 3 years.

**3. If not using a seat belt, you could be stopped for a minor traffic violation** that otherwise would be ignored if using a seat belt. You may also be targeted because of a bumper sticker, your license plate, your age, race, or gender. Primary enforcement opens the door for police harassment, intimidation and profiling. Young people, women, and minorities are vulnerable, especially when traveling alone and at night, or in certain neighborhoods.

**4. You are subject to an officer's misinterpretation of your answers, your attitude, or what the officer sees in your vehicle.** You could become the victim of a corrupt act, such as the planting of drugs in your vehicle by an officer. You could be accused of using drugs because the cash in your possession has the odor of drugs. Officers can confiscate your cash and your vehicle if there is some drug residue without proving you know about or caused the residue to be there. Courts have recognized that most currency in circulation has some discernible drug residue. It is reported that 80% of the assets confiscated by law enforcement do not lead to a

criminal charge, but only a small percent is ever returned, which further violates the Bill of Rights. Confiscation of assets has become a very lucrative business for some police agencies and offers big incentives to increase roadblocks and speed traps.

**5. Some states issue a seat belt violation fine against the driver even if the driver is using a seat belt but a passenger is not,** and even if the driver did not know about it. Drivers, therefore, could easily become distracted while driving by a constant watch of passengers, both adults and children in the rear seat.

**6. Primary enforcement is an easy way to enhance state revenue through fines.** Also, additional income comes from the federal government in the form of grants to pay the police to enforce the seat belt law. Such grants are used by the police as overtime pay while enforcing the seat belt law, which is why the police support primary enforcement laws. Also, such lucrative overtime pay helps relieve pressure for a police salary increase. And in some areas where job performance standards include a citation quota, seat belt violations offers easy compliance.

**7 Some insurance companies target seat belt violations as an excuse to increase rates** even for drivers without an accident record, yet there is no proven correlation between non-seat belt use causing accidents. In fact, even if you habitually use a seat belt but forget just once, that might be the time an officer stops your vehicle, thus your driving record is unjustly marred.

**8. Some states level points against a driver's license for not using a seat belt in addition to a fine,** which means a person is being punished twice for the same offense, another violation of the Constitution. Also, it means a driver's license could eventually be suspended for repeated offenses even if the driver has been a careful driver for years with no accident or traffic violation.

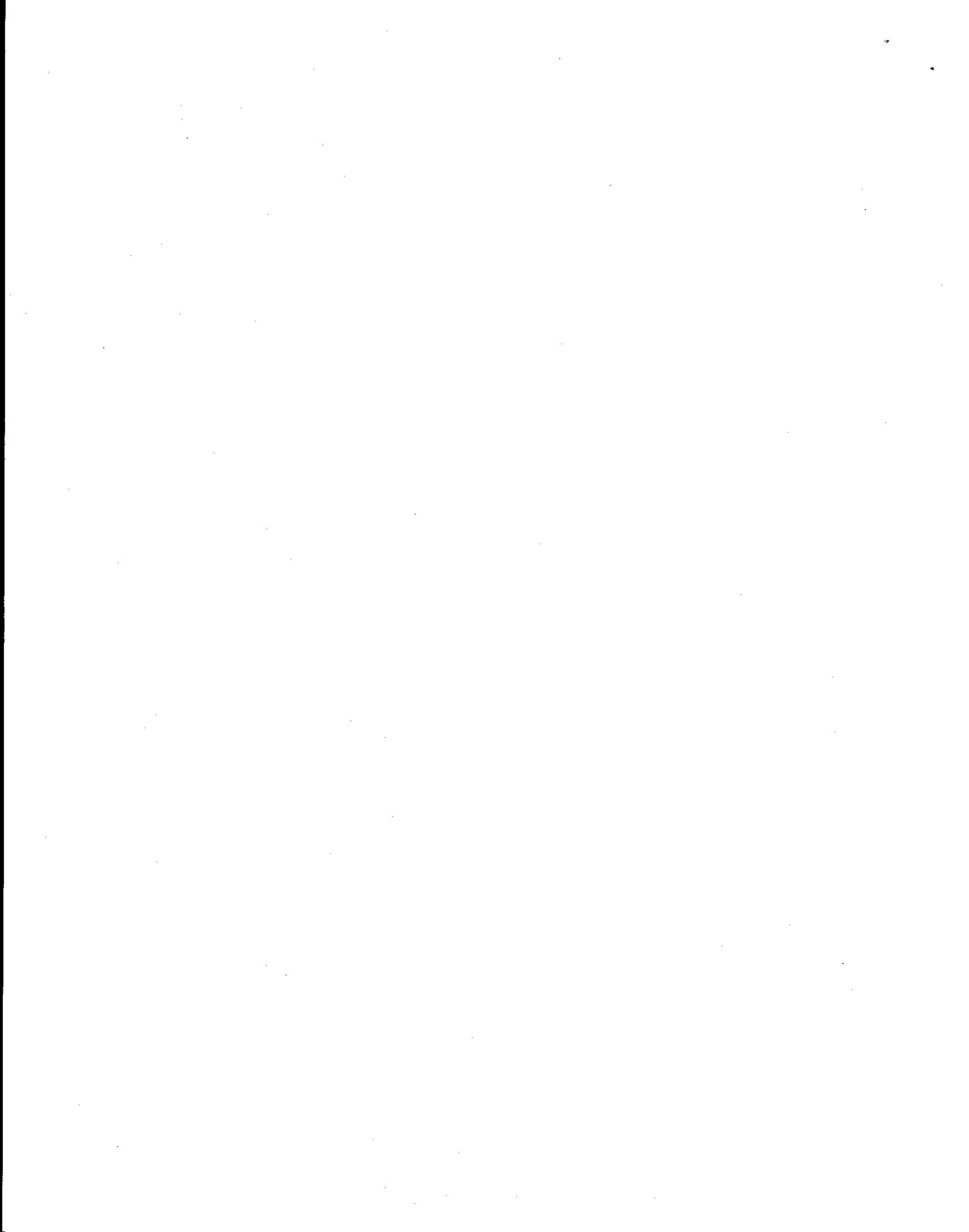
**9. If you are medically exempted from seat belt use, your vehicle could still be stopped** since an officer cannot know until you are stopped. This applies to drivers who are using a seat belt but a passenger not using one because of an exemption. Even with a medical exemption, once the vehicle is stopped, the officer can still begin a routine interrogation, testing and visually looking for any kind of a violation of the law. Persons with medical exemptions are also subject to being stopped repeatedly during any travel route by other police along the way. Also, providing an officer with your confidential medical records and exemption is a violation of your right of privacy.

STATE	Law	1996	1997	1998	1999	2000	2001	2002
AK	Secondary	53	56	57	60.6	61	62.6	65.8
AL	Primary	54	52	52	57.9	70.6	79.4	78.7
AR	Secondary	48	50.5	52.6	57.2	52.4	54.5	63.7
AZ	Secondary	55.9	63.2	61.5	71.1	75.2	74.4	73.7
CA	Primary	86.6	86.4	88.6	89.3	88.9	91.1	91.1
CO	Secondary	55.6	59.6	66	65.2	65.1	72.1	73.2
CT	Primary	59.4	59.8	70.1	72.9	76.3	78	78
DC	Primary	55.4	64.1	81.8	77.9	82.6	83.6	84.6
DE	Primary **	62	59	62.3	64.4	66.1	67.3	71.2
FL	Secondary	62.7	60	58.7	59	64.8	69.5	75.1
GA	Primary	58	65	73.6	74.2	73.6	79	77
HI	Primary	78.3	80	80.5	80.3	80.4	82.5	90.4
IA	Primary	74.8	74.9	76.9	78	78	80.9	82.4
ID	Secondary	50	49	57.3	57.9	58.6	60.4	62.9
IL	Primary**	61.9	62.1	64.5	65.9	70.2	71.4	73.8
IN	Primary	52.7	53.2	61.8	57.3	62.1	67.4	72.2
KS	Secondary	54	56	58.7	62.6	61.6	60.8	61.3
KY	Secondary	54.3	53.3	54.3	58.6	60	61.9	62
LA	Primary	59	67	65.6	67	68.2	68.1	68.6
MA	Secondary	54	53	51	52	50	56	51
MD	Primary	70	71	82.6	82.7	85	82.9	85.6
ME	Secondary	50	61	61.3	64.3	66.8	69.4	75.8
MI	Primary	66.1	66.9	69.9	70.1	83.5	82.3	82.9
MN	Secondary	64	64.8	64.2	65.4	68.3	69.7	72
MO	Secondary	58.3	62.6	60.4	60.8	67.7	67.9	69.4
MS	Secondary	43.7	45.8	58	54.5	50.4	61.6	62
MT	Secondary	70.8	72.6	73.1	74	75.6	76.3	78.4
NC	Primary	80	82	76.7	78.1	80.5	82.7	84.1
ND	Secondary	41.8	49.4	39.9	46.7	47.7	57.9	63.4
NE	Secondary	64.6	62.9	65.1	67.9	70.5	70.2	69.7
NH	No adult	56	57.7	58.5	57.9	60.1	50.8	65.5
NJ	Primary	58.6	60.2	63	63.3	74.2	77.6	80.5
NM	Primary	85	88	82.6	88.4	86.6	87.8	87.6
NV	Secondary	70.1	69.4	76.2	79.8	78.5	74.5	74.9
NY	Primary	71.4	73	75.3	76.1	77.3	80.3	82.8
OH	Secondary	60	62.7	60.6	64.8	65.3	66.9	70.3
OK	Primary	47.5	60	56	60.7	67.5	67.9	70.1
OR	Primary	81.5	82.1	82.6	82.7	83.6	87.5	88.2
PA	Secondary	65	65	66.2	69.7	70.7	70.5	75.6
PR	Primary	63	67	78.3	77.8	87	83.1	90.5
RI	Secondary	59	59	58.6	67.3	64.4	63.2	70.8
SC	Secondary	61.1	60.8	64.8	65.2	73.9	69.6	66.3
SD	Secondary	47	68	43.5	38.6	53.4	63.3	64
TN	Secondary	60.1	58.2	56.7	61	59	68.3	66.7
TX	Primary	74	74.6	74.4	74	76.6	76.1	81.1
UT	Secondary	60.1	62.9	66.7	67.4	75.7	77.8	80.1

VA Secondary	69.6	67.1	73.6	69.9	69.9	72.3	70.4
VT Secondary	68.5	70.9	62.7	69.8	61.6	67.4	84.9
WA Primary	79	77.3	79.1	81.1	81.6	82.6	92.6
WI Secondary	58.5	51.6	61.9	65.1	65.4	68.7	66.1
WV Secondary	63.2	66.1	57.7	51.9	49.8	52.3	71.6
WY Secondary	58.5	59.5	50.1	45.7	66.8	54.1	66.6

**\*\* Delaware and Illinois became primary in 2003**

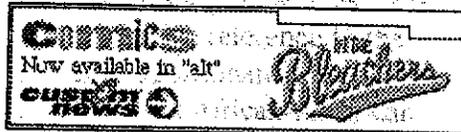






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## Seat belt proposal raises racial concerns

April 6, 1998

Web posted at: 2:32 p.m. EDT (1832 GMT)

LOS ANGELES (CNN) --

The Clinton administration is proposing that states should allow their local police to stop drivers to see whether they are buckled up. But that proposal, while intended to save lives, has raised concern of racial bias in some ethnic communities.



For Lt. Anthony Alba of the Los Angeles police, the proposal is clearly a good thing.

"We feel that anything that would help deter terrible traffic accidents and injury to people in vehicles is something that we could support," he told CNN.

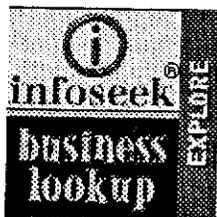
But the proposal has some people worried, and there has been strong resistance in many African-American communities where people have long felt that police are biased against them.

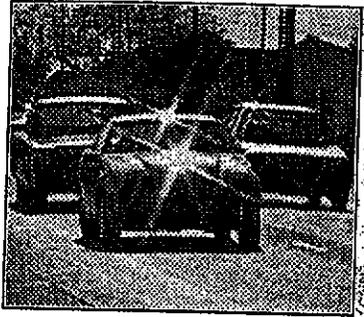
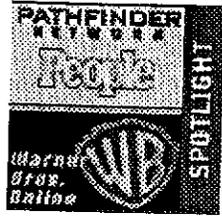
"If they are going to start just arbitrarily checking people for seat belts, (then) that is going to create a whole lot of animosity," one African-American in Los Angeles told CNN.

Surveys have found that many African-American communities have lower seat belt use than other areas, and, as a result, suffer from a higher rate of traffic accident deaths and injury.

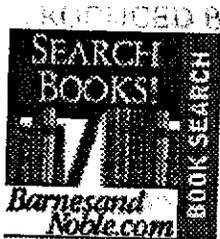
California Democrat and House member Juanita Millender-McDonald said the basic idea underlying the seat belt proposal was safety.

"We want to save lives," she





"We want to save lives," she said. "The reference to the disproportionate percentage of young African-American males being pulled over by law enforcement -- I think we need to look at (that) as well."



Oklahoma Congressman J.C. Watts, also an African-American, said in a statement: "I do not want to do or say anything that could be interpreted as discouraging anyone -- red, yellow, brown, black or white -- from wearing seat belts".

But he also said he was in favor of a study of possible harassment through routine vehicle checks.

The District of Columbia already enacted the seat belt law in October and reports say that more people have been buckling up.

About 15 states also are considering ways to tighten their seat belt laws.

*Correspondent Jim Hill contributed to this report.*

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