Montana State Legislature

Exhibit Number: 9

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EXHIBIT 9
DATE 3/11/05
SB 43

A patriot must always be ready to defend his country against his government.

"300 lives will be saved" claim doesn't add up

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(January 25, 2005) As *Team Tyranny* lead by Senators Ryberg and Hutto prepares tc *Liberty* lead by Senators McConnell and Grooms over Senate Bill S-I (primary enforce belt law), it's time to put the primary enforcement hype to the test; and not just a hy anecdotal test, but a real *where the rubber meets the road* type of test.

To gain public support for primary enforcement, Senate Ryberg has been quoted in across South Carolina as saying, "If you save 300 lives, that's a positive step by goverr statement of his is true, traffic fatality statistics from states that already have primary seat belt laws should reflect *population proportional* reductions in traffic fatalities the ye after those states passed primary enforcement.

The bottom line - the statistics do not support Ryberg's claim. As of July 2004, 21 state of Columbia and Puerto Rico have primary safety belt laws. Here are the fatality fact after these states passed primary enforcement seat belt laws. These statistics were compiled by the *Fatality Analysis Reporting System* (FARS).[1]

Alabama passed primary enforcement in 1999. Here are the fatality facts.

Year	1998	1999	2000	2001	2002
Fatalities	1,071	1,138	996	991	1,038

Georgia passed primary enforcement in 1996. Here are the fatality facts.

Year	1995	1996	1997	1998	1999
Fatalities	1,488	1,573	1,577	1,568	1,508

Indiana passed primary enforcement in 1998. Here are the fatality facts.

Year	1997	1998	1999	2000	2001
Fatalities	935	982	1,020	886	909

Louisiana passed primary enforcement in 1995. Here are the fatality facts.

Year	1994	1995	1996	1997	1998
Fatalities	843	894	902	931	926

Maryland passed primary enforcement in 1997. Here are the fatality facts.

Year	1996	1997	1998	1999	2000
Fatalities	608	611	606	590	588

Michigan passed primary enforcement in 2000. Here are the fatality facts.

Year	1998	1999	2000	2001	2002
Fatalities	1,366	1,382	1,382	1,328	1,277

New Jersey passed primary enforcement in 1999. Here are the fatality facts.

Year	1998	1999	2000	2001	2002
Fatalities	741	726	731	745	771

Washington passed primary enforcement in 2002. Here are the fatality facts.

Year	1998	1999	2000	2001	2002
Fatalities	662	637	631	649	658

Where Senator Ryberg picked up the *300 lives will be saved* nonsense is anybody's g
certainly could not have derived it from the actual traffic fatality statistics of states that
primary enforcement laws.

It is worth noting that New Hampshire, the *Live Free or Die* state, is the only state that
belt law whatsoever. Yet somehow the good people of New Hampshire have figured ou
their own while driving without any seat belt law. *Imagine that!* Here's a look at New
traffic fatalities between 1998 and 2003.

Year	1998	1999	2000	2001	2002
Fatalities	128	140	126	142	127

How New Hampshire reduced their traffic fatalities by 10.6 percent between 2001 ar
maintained the reduction in 2003, *without their government setting up police roadblock*
tickets in a disguised effort to educate New Hampshire drivers about the frequent a
wearing a seat belt, simply must just boggle the minds of Senate Bill S-I and Hou
supporters.

If politicians need to lie to get a bill passed into law, then it is a bad law, and they're ba
Primary enforcement will not save 300 lives a year in South Carolina, period. There is s
evidence to support such a claim, and to allow the *Tyranny Team* to continue making s
to help them perpetrate a fraud upon the people of South Carolina.

[1] Please note that California, Connecticut, Hawaii, Iowa, New Mexico, New York, Oregon, Texas, and Puerto Ric
enforcement laws prior to 1994. The FARS report in which the aforementioned statistics were obtained, Fatalities a
by State, 1994 2003, obviously only provides statistics from 1994 to 2003. Consequently, traffic fatality statist
surrounding the passage of primary enforcement in California, Connecticut, Hawaii, Iowa, New Mexico, New York
and Puerto Rico were not available for this report. Delaware, Illinois, and Tennessee passed their primary enforcen
- 2004. Statistical information regarding fatalities in these three states is not yet developed.

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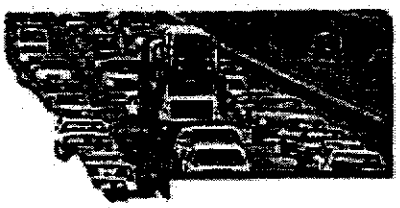

Montana

Toll Of Motor Vehicle Crashes,2003

Click here for Accessible Link

Change Year 2000 2001 2002 2003

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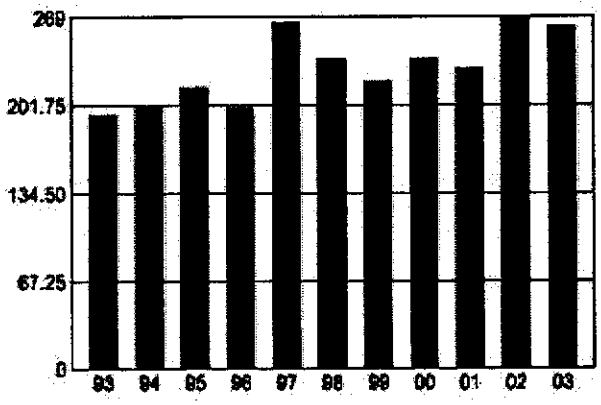
2003	Montana	US	Best State
Fatalities	262	42,643	
Fatality Rate per 100M VMT	2.41	1.48	0.83
Fatality Rate per 100K Population	28.55	14.66	7.18

TOTAL TRAFFIC FATALITIES

1993 - 2003



2000 Economic Cost of Motor Vehicle Traffic Crashes	
Montana	$ 0.621 Billion
US Total	$ 230.568 Billion

	Fatalities in Alcohol-Related Crashes, 2003			Passenger Vehicle Occupant Restraint Use Rates, 2003	
	Percentage ≥ 0.01 BAC	Percentage ≥ 0.08 BAC	Rate per 100 million VMT	Fatally Injured Occupants (Known Use Only)	Observed Use
Montana	49%	41%	1.18	30.9%	80%
US Total	40%	34%	0.59	43.2%	79%
Best State	15%	12%	0.19	63.2%	95%

Available NHTSA Financial Resources

Highway Safety Program Funds		
	FY 2003	FY 2004
Section 402 Formula	$1,012,515	$987,462
Section 154 Open Container Transfer	$5,814,407	$5,870,242
Section 164 Repeat Offender Transfer	$5,814,407	$0
Section 157 Safety Belt Use Incentive	$44,400	$58,981
Section 2003b Child Occupant Protection Education	$49,212	Not Avail.
Section 157 Safety Belt Use Innovative	$0	$290,000
Section 411 Data	Not Avail.	Not Avail.
Section 163 .08 Blood Alcohol Concentration (BAC)	$645,262	$544,563
Section 405 Occupant Protection	$231,908	$228,926
Section 410 Impaired Driving	$0	$0
SAFETY TOTAL	$13,612,111	$7,980,174

DRUNK DRIVING — Status of Key Legislative Issues			
Administrative license revocation	No	Zero Tolerance for drivers under age 21	0.02 BAC
0.08 BA per se law	Yes	Graduated licensing	No
Qualifies for Section 410 Incentive Grant Program			No

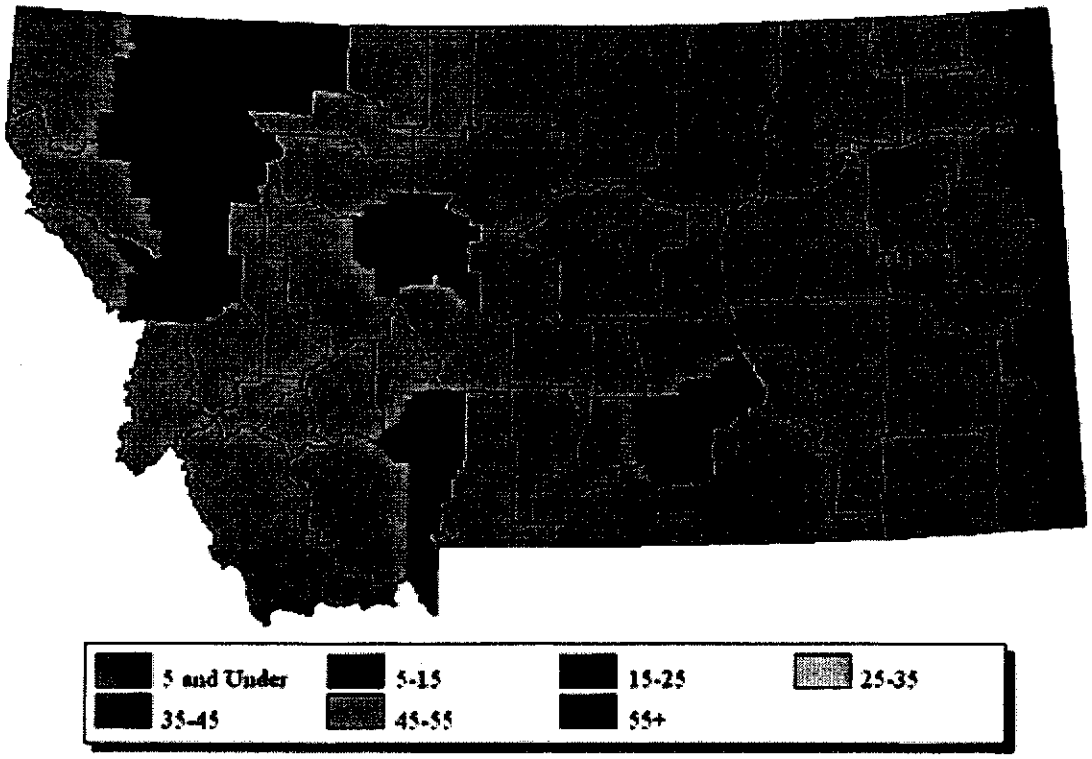
SPEED	Number of Fatalities Involved in Speed Related Crashes, 2003	Percent of Fatal Crashes That Are Speed Related, 2003	Estimated Cost of All Speed Related Crashes, 2000
Montana	113	43%	$120 Million
US Total	13,380	31%	$40,390 Million
Best State		6%	$44 Million

RESTRAINT USE (Safety Belts & Child Seats)	Passenger Vehicle Occupant Deaths (age 5+)				Current Lives Saved by Safety Belts	Additional Savable at 100%
	Total	Restrained	Unrestrained	Unknown		
Montana	224	67	150	7	83	42
(Secondary) All seats for occupants of motor vehicles - $20 Fine						

CHILD RESTRAINTS (Includes Child Seats & Belts)	Passenger Vehicle Occupant Deaths (age <5)				Current Lives Saved	Additional Savable at 100%
	Total	Restrained	Unrestrained	Unknown		
Montana	4	2	2	0	3	1
Restraint required < 2 years old - $25+ Fine						

MOTORCYCLES	Motorcycle Rider Deaths				Current Lives Saved by Helmets	Additional Savable at 100%
	Total	Helmeted	Unhelmeted	Unknown		
Montana	12	3	9	0	2	3
07/01/73 Repealed effective 7-1-77 except for persons under 18 years of age - $5 fine.						

Alcohol Related Fatalities by County



Source: National Center for Statistics and Analysis, 2003 FARS Annual Report File

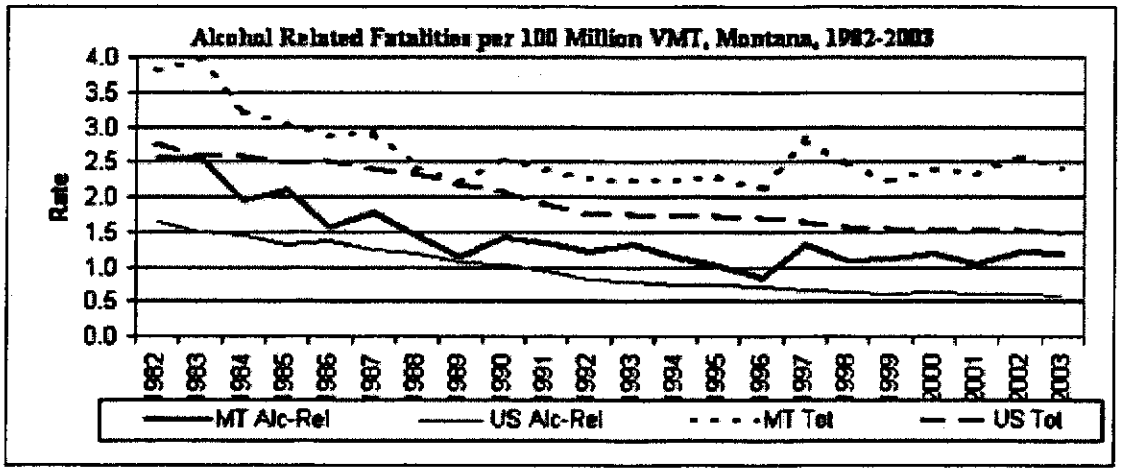
MONTANA
Fatalities and Fatality Rate per 100 Million VMT

Year	Fatalities			Fatality Rate	
	Tot	Alc-Rel	%	Tot	Alc-Rel
1982	254	171	67	3.81	2.56
1983	286	184	64	3.98	2.56
1984	238	145	61	3.22	1.96
1985	223	154	69	3.03	2.09
1986	222	122	55	2.87	1.58
1987	234	143	61	2.9	1.77
1988	198	117	59	2.43	1.44
1989	181	94	52	2.19	1.14
1990	212	119	56	2.54	1.43
1991	200	112	56	2.41	1.35
1992	192	104	54	2.25	1.22
1993	195	115	59	2.24	1.32
1994	202	104	52	2.22	1.14
1995	215	95	44	2.28	1.01
1996	200	78	39	2.12	0.83
1997	265	124	47	2.82	1.32
1998	237	105	44	2.47	1.1
1999	220	109	49	2.24	1.11
2000	237	117	49	2.4	1.18
2001	230	104	45	2.3	1.04
2002	269	126	47	2.59	1.21
2003	262	128	49	2.41	1.18

Source: 1982-2002 (Final) FARS Files and 2003 FARS Annual Report File, FHWA's Highway Statistics Annual Series

Change in Alcohol Related Rates over time, MONTANAvs. US

Time Period	MONTANA	US
1982 to 2003	-54%	-64%
Last 10 years	-11%	-24%
Last 5 years	7%	-6%
Last 3 Years	0%	-6%
Last 1 Year	-2%	-3%



Help Restore Liberty: Repeal Seat Belt Laws

by William J. Holdorf

The information in this essay is not being provided to debate the value of wearing or not wearing a seat belt harness, nor to oppose or discredit voluntary seat belt use. Its main purpose is to oppose seat belt laws and to protect our right to choose our own individual personal safety and health care standards without government interference or coercion as guaranteed in the Bill of Rights.

Facts About State Mandatory Seat Belt Harness Laws

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 forced 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 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 seat belt use automatically means safety; nonuse 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. Some people in certain kinds of traffic accidents have survived only because a seat belt was not used &endash; injured, perhaps, but not dead. Such persons, by law, are subject to a citation and a fine for not dying in the accident using a so-called safety device arbitrarily chosen by politicians. Traffic accident data on such traffic accidents only reflect one more injury without using a seat belt, which, again, exaggerate the so-called benefit of seat belt laws.

4. If a person is killed while using a seat belt, law supporters claim the accident was so severe not even a seat belt could save the person. That might be true in some cases, but the severity of an accident is never mentioned in compiling a list of persons killed while not using a seat belt, which adds to the bias in compiling traffic accident data in favor of seat belt laws.

5. 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.

6. 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.

7. 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 violate that right, that is, to freely choose to use or not to use a "health care" seat belt. 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.

8. In 1991 the U.S. Supreme Court confirmed the right to determine one's individual 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.

9. While there is extensive publicity always given those who support seat belt laws, research published by independent professionals, that is, those not on the federal payroll, which challenges the so-called 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.

10. 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 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 &endash; force occupants to exit &endash; 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 the use of 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 facilities 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 planting 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 vehicle if there is some drug residue without proving you knew about or caused the residue to be there. Courts have recognized 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. Confiscation of assets has become a 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 (bribes) 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. 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 law violations as an excuse to increase rates even for drivers without an accident or moving violation record. 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. 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 moving 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 is not using one because of an exemption. Even with a medical exemption, once the vehicle is stopped, the officer can begin 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 officers along the way. Also, providing an officer with your confidential medical records and exemption is a violation of your right of privacy.

10. It should be noted, the National Highway Traffic Safety Administration, a federal agency, in a 1995 study, "Safety Belt Use Law &endash; An Evaluation of Primary Enforcement and Other Provisions," stated "The analysis suggests that belt use among fatally injured occupants was at least 15 percent higher in states with primary enforcement laws."

11. Primary enforcement is promoted as saving lives, however, stopping vehicles for non-seat belt use is only an excuse to arbitrarily and capriciously accuse people of traffic violations of one kind or another, thus issuing citations as a means of easily increasing revenue, as well as providing easy lucrative overtime income for the police. Primary enforcement has nothing to do with saving lives; has all to do with revenue enhancement at the expense of fleecing the motoring public.

Conclusion

Politicians have no authority to willingly and knowingly force some people to maim and kill themselves in certain kinds of traffic accidents using a so-called safety device, a seat belt harness, just because they hope others will be saved in other kinds of accidents merely by chance. The Constitution forbids the government from taking chances with a person's body, the ultimate private property. The government has no right to play Russian roulette with a person's life.

Also, seat belts are an after-the-fact device. As such, not one penny of the millions of tax dollars spent in support of seat belt laws has ever prevented one accident. Conversely,