

January 27, 2009

**SB82: Primary seat belt**  
Introduced by B Hamlett

EXHIBIT NO.	12
DATE:	1-27-2011
BILL NO.	SB 82

I reject the idea of this primary seat belt bill as it seems like another example of government interference in my right to choose.

As I mulled over what to say at this hearing, I wondered who or what was really behind this bill since Montana:

1. does not have a motorcycle helmet law
2. currently allows drivers to use cell phones while driving
3. does not have regular vehicle inspections to ensure road worthiness
4. allows drivers to hold their pets while driving
5. is not successful at keeping multiple DUI offenders off the road
6. and (according to the Insurance Institute for Highway Safety, <http://www.iihs.org/laws/SpeedLimits.aspx>) Montana is one of 13 states that has a daytime passenger vehicle speed limit on rural interstates of 75 and only one of four states where the daytime passenger vehicle speed limit on "other roads" is 70.

That brought me to money as the driving force behind it. I thought it might have been due to insurance companies who wish to protect their bottom lines by not paying large medical claims due to vehicle accidents.

It is obvious from the fiscal note that money is indeed the force behind this bill. Though extra citations would generate a minimal amount for the State, it is basically an attempt by the Federal government to strong arm the people of this State into passing a primary seat belt law by threatening to withhold federal funds if we don't do what they want...again.

I do support legislation to have children safely restrained, and to have seat belts available for all vehicle occupants.

However, I do not support legislation that mandates I wear a seat belt and that I can be pulled over and ticketed simply for not "properly" wearing one for the following reasons:

- According to Wikipedia, the average height for women in the US is 5'4". As of my last physical, I am barely 5'0", and seem to be shrinking a little more every year. Even with an adjustable shoulder harness at the lowest setting, a shoulder harness cuts across my collarbone right at the base of my neck. I have tried wearing the shoulder harness under my arm or behind my back, but this would constitute a violation if this law passes. I've also tried putting a sheepskin pad over the shoulder harness, but the harness still puts pressure on the collarbone.

- Several years ago a friend related a story where he and his wife went into a skid on an icy road and he realized an oncoming semi was going to hit them in the passenger side. His wife was not wearing a seat belt and he was able to pull her toward him. The semi did indeed hit the passenger side door and pushed it almost to the center of the pickup. They were lucky, but had she been wearing a seat belt, she surely would have been killed or severely injured. Granted, this is the exception rather than the norm, but these things can happen.

- Unlike the instances I mentioned at the outset (such as drinking and high speeds), if I choose not to wear a seat belt, I am putting only myself at risk.
- Current boating regulations require there be age and size appropriate life vests for all occupants, but do not require all adults in the boat to wear a life vest. Motorcyclists are not required to wear helmets, or even to have them available for passengers. Adult occupants in a car or pickup should have the same right to make decisions about their safety.
- Pulling over, ticketing, and fining someone who is operating their vehicle in an otherwise safe manner is a waste of resources, borders on harassment, and can create a hazardous situation on the side of the road. I hope law enforcement officers have better things to do than look at every vehicle to verify that all occupants are wearing their seat belt properly.
- Should a driver be pulled over and ticketed if a passenger happens to remove their seat belt to reach for something just at the moment an officer sees them?
- How would a law enforcement officer know that a person is exempt for medical reasons unless the officer stops the vehicle? How many times would an exempt person be stopped?
- As I read Sections 4 and 5, seat belts would not be required of occupants in buses or if all available seat belts are already utilized by other occupants. Why doesn't this bill include all occupants in all vehicles? What about passengers riding in the beds of pickups? They are completely vulnerable.

We should focus on reducing the number of accidents rather than focusing on the results of accidents. If we successfully reduce the number of accidents, a reduction in medical costs should follow.

Thank you.

  
Cindy Swank  
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Helena, MT 59602

5102 Road 2041  
Poplar, MT 59255

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