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10/17/03
Date

2003 SENATE TRANSPORTATION

SB 2189

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12/17/03
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2189**

Senate Transportation Committee

Conference Committee

Hearing Date 2-7-03

Tape Number	Side A	Side B	Meter #
1	X		80-end
1		X	0-1192

Committee Clerk Signature

Mary K. Monson

Minutes:

The hearing on SB 2189 relating to secondary enforcement of safety belt requirements was opened by **Chairman Senator Thomas Trenbeath**.

Senator Thane: (District 25) (Testimony attached.)

Senator Ralph Kilzer: (District 47) (Meter 390) Testified in support of SB 2189. As an orthopedic surgeon has been called many times in the middle of the night to take care of accident victims who are still alive. Safety belt usage would significantly reduce the mortality rate and hopefully the morbidity rate also.

Representative Carol Niemeier: (District 20) (Meter 630) (Attached letter of support from Rhonda Bugbee, RN) Testified in support of SB 2189. Cited cases where deaths occurred when seat belts were not used and lives were saved when they were used.

Senator Ed Kringstad: (District 35) (Meter 900) Supports SB 2189.

Deb Jevne: (Spokesperson for Mothers Against Drunk Drivers) (Testimony attached.)

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Page 2
Senate Transportation Committee
Bill/Resolution Number SB 2189
Hearing Date 02-7-03

Senator Trenbeath: Asked for clarification on whether seat belt usage rates rise over and above a secondary enforcement law or over and above no law.

Deb Jevne: Over and above a secondary law.

Mary Jagim: (ND Emergency Nurses Association State President) (Testimony attached in support of SB 2189.)

Senator Michael Polovitz: (District 42) (Testimony attached is support of SB 2189.)

Philip Weiser: (National Highway Traffic Safety Administration) (Testimony attached in support of SB 2189.)

Senator Taylor: Questioned what the current ND seat belt use rate is.

Philip Weiser: Deferred the question to the Highway Patrol.

(Meter 3200) Discussion pertaining to fatality data and health insurance costs in the states of New Jersey, Alabama, and Michigan after upgrading their seat belt laws to primary laws in 2000. Some of the research shows that health care costs decrease with seat belt usage.

Senator Trenbeath: Do we have 18 states and the District of Columbia that have primary enforcement?

Philip Weiser: Correct. Eight of those states adopted a primary law at the beginning. The rest of them and the District of Columbia did move from a secondary law to a primary law.

John Finstad: (Meter 3590) Testified in support of SB 2189. Has worked with the Department of Health to make children aware of the importance of the seat belt law. Showed a 13 minute video (Meter 3800-5560). Lobbying for his daughter's memory and for all the emergency personnel in ND. He believes we have every right to ask people and to tell people to "buckle up" on public highways.

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02/17/03
Date

Page 3
Senate Transportation Committee
Bill/Resolution Number SB 2189
Hearing Date 02-7-03

Brad Manz: (Bismarck, ND) (Side B Meter 60) (Testimony attached in opposition to SB 2189.)

Jerry Gullickson: (Dickinson, ND) (Side B Meter 180) Testified in opposition to SB 2189.

Feels it is against the constitution to be told to do something. There is a problem with older vehicles. Patrolmen can't tell at a glance if seat belts are being used. Doesn't feel that it is a safety issue but that the state is just looking for more revenue. Speeding is more of a safety issue.

David Sprynczynatyk: (ND Department of Transportation) In answer to the question of what percentage of people wear seat belts, he responded that last year people wearing seat belts was 63.4%.

Senator Nething: What is the national average?

David Sprynczynatyk: Approximately 75%

Senator Trenbeath: How is that statistic arrived at?

David Sprynczynatyk: Periodically throughout the year we have people that survey various locations just by observation and noting the number of people wearing seat belts versus those not wearing them.

Senator Bercier: Questioned the Highway Patrol about how the situation would be handled with the older vehicles that only have lap belts.

Mark Bethke: Shoulder harness requirement came about in 1968. Since then all vehicles should have both the lap and shoulder harness. The possibility does exist where a trooper or highway patrol would observe someone without a shoulder harness and stop them. That should be a minimal amount of times when that would happen.

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Page 4

Senate Transportation Committee

Bill/Resolution Number SB 2189

Hearing Date 02-7-03

(Side B Meter 840) Discussion on observing vehicles where the driver does not seem to be buckled. It does happen when a patrolman will turn around and stop a motorist only to find that he is then buckled. Mobile cameras are mounted in highway patrol vehicles. That could be a means of determining whether a motorist is buckled or not.

The hearing on SB 2189 was closed.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2189

Senate Transportation Committee

Conference Committee

Hearing Date 2-13-03

Tape Number	Side A	Side B	Meter #
2		X	1290-1870

Committee Clerk Signature *Mary K. Monson*

Minutes:

Chairman Senator Thomas Trenbeath opened SB 2189 for discussion.

Discussion clarified that a primary offense would have a fine attached. Seat belt usage seems to be up and education has had a lot to do with it.

Senator Espgaard moved a **Do Not Pass**. Seconded by **Senator Taylor**. Roll call vote 6-0-0.

Passed. Floor carrier is **Senator Trenbeath**.

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10/17/03
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REPORT OF STANDING COMMITTEE (410)
February 13, 2003 4:19 p.m.

Module No: SR-28-2655
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2189: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT**
PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2189 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-28-2655

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2003 TESTIMONY

SB 2189

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10/17/03
Date

**TESTIMONY
SB 2189
SENATOR RUSSELL THANE**

Mr. Chairman , Members of the Senate Transportation Committee:

For the record, I am Russell Thane, State Senator from the 25th District , which includes Wahpeton and the eastern third of Richland County.

I am appearing before you today to testify in favor of **Senate Bill 2189**.

This bill will change the seat belt law from a secondary offense to a primary offense. Ever since the day during the pre session that I had the bill drafted, the subject has had the attention of the media and the public even before it was introduced. A recent letter to the editor in my newspaper indicated that "Push regarding seat belts is a political power play". Those of you who know me best also know that I do not get involved in political power plays!. The real issue is to save lives and prevent serious or permanent injury. Other issues are the financial cost of higher insurance premiums and associated medical costs.

About 70 deaths occurred in the last year with individuals not wearing their seat belts. We know that most of these tragic deaths would not have happened had the seat belts been fastened. The problem with the existing

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10/17/03
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law is that it does very little to improve compliance. We say: "It is the law", but you have to be stopped for some other violation first. Suppose we used the same logic with speed limits? The speed limit is 70 mph on the Interstate, if before the Highway patrol could pull you over and issue a citation for going 80, you would have to have tail lights out, head light out, erratic driving, and etc. Do we believe that we would have compliance with the speed limit? We would have a lot of drivers going much faster!

Finally, no matter how we argue, driving is still a privilege, not a right.

Many of us who have driven a car or truck for over 60 years may think that it is a right because it has become part of our lives. Many of us have seen these accidents and knew those who died. The lives that have ended in the accident had a value that cannot be calculated. The grief associated with these deaths often never ends and often has lasting effects on families. We can prevent some of these deaths by increasing the compliance. Let's change the law and save more lives.

There are several others who are well qualified to testify in support of this bill. I would like to introduce to this committee, Phillip Weiser, Senior Program Manager with the National Highway Traffic Safety Administration

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in Region VIII. He will provide you with far better detail as to why we need a primary seat belt law. I will be available to answer any questions later in the hearing.

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10/17/03
Date

1010 So. 3rd St.,
Wahpeton, ND 58075
Feb. 3, 2003

Senator Trendbeath,
Chairman, Transportation Committee
Legislative Chambers,
State Capitol Bldg,
Bismarck, ND 58501

Dear Senator Trenbeath:

I am writing as a private citizen, as a former practicing physician and as Coroner of Richland, in support of the bill, introduced by Senator Russell Thane, that you are considering regarding mandatory wearing of automobile seatbelts.

Research has conclusively demonstrated that the wearing of seatbelts does prevent deaths in cases of automobile accidents. In the course of 6 years as Coroner of Richland County I have investigated 14 automobile accidents in which 20 people have died. Of those who died only 4 were wearing seatbelts and 16 were not wearing them. I understand that in ND in 2001 there were 70 deaths in persons not wearing seatbelts and most of these lives would have been saved if they had been using them. Even though it is true that people wearing seatbelts are sometimes killed in accidents, the chance of survival in an accident is tremendously better if the seatbelt is fastened.

I recognize that those who are opposed to this legislation maintain that it is an infringement on personal freedom and liberty, but anything we do that may affect another citizen is a subject for public control. The costs incurred from injuries and deaths which could have been prevented by seatbelt use are reflected in increased insurance premiums which are borne by us all. Treatment and rehabilitation of injuries that could have been prevented by seatbelt use must also be factored in when considering the issue.

Driving an automobile is a privilege and not a right and it is within the province of the state to regulate the terms of this privilege including the wearing of seatbelts.

I strongly support this bill and urge your committee to give it a "do pass" recommendation.

Glenn Wiltse, MD
Glenn Wiltse, MD,
Coroner, Richland County

Copy to Sen. Thane

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Grand Forks Herald

Editorial

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Grand Forks Herald

Posted on Wed, Jan. 15, 2003

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MAILBAG: Seat belts can save lives; take it from one who knows

GRAND FORKS - I find it quite difficult to not respond to the Bismarck Tribune's editorial, "Don't clinch seat-belt law tighter," which was reprinted in the Herald.

As stated in the editorial, a Red River Valley legislator will introduce a bill to make failure to buckle up "ticketable" all by itself. The Tribune had several reasons why we should not change the law: 1. Going unrestrained should be a driver's right. 2. Legislating by "sneaking degrees." 3. Policing seat belts is not the best use of law-enforcement time.

I easily could argue against each of these reasons in detail, but I won't at this time, deferring to a more important reason to support this bill.

As the Grand Forks County coroner, I can tell you that last year was an extremely bad year. I walked away shaking my head from many motor vehicle accidents - accidents in which the drivers were thrown and crushed by their vehicle or killed when run over by another.

In virtually every case, the damage to the vehicle was minimal or moderate. Air bags deployed but were no help when the driver ejected.

If a new seat-belt law is approved and just one ticketed driver is influenced, subsequently uses his/her seat belt and is saved, the law is worthwhile. What's more important: the above three reasons or the one?

The coroner's job is a sad one, but someone has to do it. My primary employment is family practice medicine and teaching family practice residents at UND. One of the more important aspects of my job is preventive medicine. Many patients I work with have endured my



http://www.grandforks.com/mld/grandforksherald/news/opinion/4949075.htm

1/15/2003

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01/17/03
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nagging for years on this subject. Some have heard of one particular true story. It goes like this:

In the middle of a very busy office day a couple of years ago, I noticed a 10-minute appointment that was labeled, "Talk." Already tired, I hardly could imagine a personal, marriage-related, alcohol or other problem that would take only 10 minutes (and you wonder why we are so far behind.)

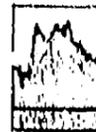
As I entered the room, I recognized a young female whom I'd the pleasure of delivering two children from and had not seen for a few years. As we got reacquainted, she reminded me that she now lived in Iowa and was back here visiting her parents.

When I asked her what she needed to talk about, she told me that she only wanted to thank me. She told me how I had nagged her and her husband after the birth of their first child to wear seat belts all the time, so their restrained baby would not be an orphan at an early age.

One day when she was driving alone on a highway in Iowa, now with her seat belt on, a deer jumped out in front of her. She swerved and missed the deer, but lost control of the car. The highway patrolman told her the car must have rolled at least 10 times, and he had never seen a car so damaged in which the driver was not injured.

He congratulated her for wearing her seat belt and I, of course, did not charge her for the office visit.

Tom Polovitz
Polovitz works at the Family Practice Center at UND.



8
YOU
YOUR
EAT

YOUR OPINION

Here's lesson about seat belts and teens

With all the fuss on the Forum's editorial page about the "Click It or Ticket" law, I wanted to share with my fellow readers an e-mail I recently received from a friend. I don't think it needs much more comment:

"You know how teenagers always think they're invincible? And how most of them don't really consider seat belts to be a cool fashion statement?"

"Well, at the moment, only a couple of my daughter's friends have cars, and I know both of them are really insistent on everybody wearing seatbelts. Last night Brian called to see if she'd want to go with them this morning to the impound lot to

take a look at AJ's car ...

"Someone cut AJ off" on the freeway on Friday night, and there was absolutely nowhere for him to go, and a car right on his back bumper. He rear-ended the car that had cut him off, and was rear-ended by the car behind him, and also forced into a cement barrier.

"AJ's car is a total loss, and responders had to use the Jaws in order to get the passenger-side door open.

"AJ was wearing his seat belt. He has minor whiplash and a few bruises.

"AJ's sister (she's a senior) was sitting in the passenger seat. Caty is far too cool to wear a seat belt ...

"Yesterday Caty underwent the first of an estimated three reconstructive jaw surgeries, and is facing a long series of reconstructive surgeries to repair the damage to her face. She may have permanent visual impairment. She will have to get dentures or cosmetic implants. The full extent of the damage will really have to wait until the worst of the mess is repaired and the swelling has begun to subside.

"All of those invincible teens now think it's a good idea to wear a seat belt, because kissing the dash board at 65 mph isn't too cool."

Trina L. Tulma
Fargo

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01/17/03
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February 6, 2003

Senator Thomas Trenbeath
Chairman, Senate Transportation Committee
ND Legislature
Bismarck, ND 58501

Dear Senator Trenbeath:

I am writing in support of SB 2189 that deals with making seat belt violations a primary offense, rather than a secondary one.

During my 28 year career as a Registered Nurse I have worked in several areas including, the Emergency Department, ICU, and for the past 10 years I have been the Trauma Coordinator at Trinity Hospital in Minot. I participate in our local Safe Community Group, Chairman of the NW Regional Trauma Committee and a member of the ND State Trauma Committee. Over the years one of the things that are clear to me is that seatbelts do save lives and reduces the amount of serious injuries that people receive following a car crash.

The safest place to be in a crash is with the vehicle. I'm not sure if people understand how violent a motor vehicle crash can be. The force that propels people from automobiles is equal to the speed the vehicle is traveling at the time of impact. Even at 30 mph, that is comparable to the force of jumping from a three-story building. Imagine at 65 mph.

I know that there are many people who believe that it is their right to decide if they want to wear a seatbelt, and that it isn't anybody else's business. I disagree with that for three reasons.

- The first is that many of these people's injuries do cost all of us money in increased insurance rates and increased taxes to pay for their care when the insurance runs out.
- The second reason I disagree with this idea is the toll these injuries take on the victims and their families, it's incredibly hard to see someone you love lose the ability to do simple, everyday things.
- The third is the toll that I've felt myself and seen in other caregivers when caring for these people. It is very frustrating when you know what a difference a seatbelt would have made.

I urge you to support a "Do Pass" resolution for SB 2189. We have been trying to educate North Dakotans to wear seatbelts for years. It isn't working. People will listen when it might cost them money.

Thank you for your attention.

Rhonda Bugbee, RN, EMT, CEN

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Rhonda Bugbee
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**TESTIMONY OF DEB JEVNE
SPOKESPERSON FOR MADD CASS COUNTY
SENATE TRANSPORTATION COMMITTEE
FRIDAY, FEBRUARY 7, 2003**

**FOR THE RECORD, MY NAME IS DEB JEVNE, AND I AM THE
SPOKESPERSON FOR MOTHERS AGAINST DRUNK DRIVING CASS
COUNTY AND ALSO A MEMBER OF THE RED RIVER VALLEY SAFE
COMMUNITIES COALITION.**

**I AM HERE TO GIVE OUR SUPPORT TO SENATE BILL 2189. ACCORDING
TO 2001 ESTIMATES FROM THE NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION (NHTSA), APPROXIMATELY 60% OF PASSENGER
VEHICLE OCCUPANTS KILLED IN TRAFFIC CRASHES WERE NOT
WEARING SAFETY BELTS. SAFETY BELT USE, REINFORCED BY
EFFECTIVE SAFETY BELT LAWS, IS A PROVEN LIFE SAVER.**

**ALL STATES EXCEPT ONE HAVE SAFETY BELT USE LAWS, BUT ONLY 18
STATES AND THE DISTRICT OF COLUMBIA HAVE STANDARD
ENFORCEMENT OF THEIR BELT LAWS. IN STATES WITH STANDARD
ENFORCEMENT, LAW OFFICERS MAY TICKET A NON-BELT USER WHEN
THEY SEE A VIOLATION OF THE SAFETY BELT LAW. WITH SECONDARY
ENFORCEMENT LAWS, OFFICERS MAY ISSUE A CITATION ONLY AFTER
STOPPING THE VEHICLE FOR ANOTHER TRAFFIC INFRACTION.**

**SAFETY BELT USE IS SIGNIFICANTLY HIGHER IN STATES WITH
STANDARD ENFORCEMENT LAWS COMPARED TO THOSE WITH**

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SECONDARY ENFORCEMENT LAWS. RESEARCH ALSO SHOWS THAT WHEN ADULTS BUCKLE UP, CHILDREN GET BUCKLED UP TOO. STANDARD 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.

I KNOW FIRST HAND HOW SEAT BELT USAGE CAN SAVE LIVES. IN NOVEMBER OF 1996 MY OLDEST SON WAS DRIVING HOME WHEN A DRUNK DRIVER HIT HIM ON THE DRIVERS SIDE OF THE CAR AT A SPEED OF 90 MILES AN HOUR IN A 25 MILE AN HOUR RESIDENTIAL ZONE. TREVOR WHO IS AN ADVOCATE ABOUT WEARING HIS SEATBELT WAS SAVED THAT EVENING BECAUSE HE WAS WEARING HIS SEATBELT. HAD HE NOT BEEN WEARING HIS SEATBELT THAT EVENING HE WOULD HAVE BECOME A PROJECTILE AND BEEN THROWN FROM THE CAR WITH SEVERE INJURIES AND/OR POSSIBLE DEATH.

AGAIN, ACCORDING TO NHTSA, IF ALL PASSENGERS WERE TO WEAR THEIR SAFETY BELTS, AN ADDITIONAL 9,200 FATALITIES AND 143,000 SERIOUS INJURIES COULD BE PREVENTED EACH YEAR. BY JUST ENACTING A STANDARD ENFORCEMENT SAFETY BELT LAW, USAGE RATES RISE 10-15 PERCENTAGE POINTS.

I CONTINUALLY HEAR, LET'S SAVE NORTH DAKOTA, WHICH I DO NOT
DISAGREE WITH HOWEVER SHOULDN'T WE BE CONCENTRATING ON
SAVING THE PEOPLE WE HAVE INSTEAD OF LETTING THEM DIE
NEEDLESSLY ON OUR HIGHWAYS. IT ONLY TAKES A MOMENT TO
BUCKLE UP!

PLEASE PASS THIS BILL TO SAVE LIVES IN NORTH DAKOTA!
THANK YOU!

3

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Senate Transportation Committee
Senator Thomas Trenbeath, Chair
February 7, 2003

My name is Mary Jagim. I am the North Dakota Emergency Nurses Association State President and am a registered lobbyist for ND ENA. My address is 5622 Bishops Blvd, Fargo, ND, 58104. I am speaking in support of Senate Bill 2189.

The intent of this bill is to repeal the secondary enforcement aspect of our current seat belt law therefore creating a primary seat belt law. Although ND has had a secondary seat belt law in place for approximately 8 years our seat belt usage rate is the second lowest in the nation at 58%. States such as North Dakota which have changed their law from secondary to primary have seen a 10-15 % increase in usage rate. A law change coupled with strong enforcement would increase seat belt usage even more significantly to rates of 70-80%. This law change is needed for several reasons:

North Dakota experienced 105 deaths in 2001 due to motor vehicle crashes. Our statistics show that 60% or more of fatalities were not been wearing their seat belts at time of the crash. (NHTSA)

Lap-shoulder belts reduce the risk of fatal injury to front-seat occupants by 45-73% and the risk of moderate-to-critical injuries by 44-78% (NHTSA 2002)

North Dakota spent \$290 million in 2000 on medical, legal and insurance costs related to motor vehicle crashes. (NHTSA report on Economic Impact of Motor Vehicle Crashes 2000)

North Dakota has a budget deficit that includes increased costs related to medical care of motor vehicle crash victims.

We know that it is often only through a change in the law, that behavior changes. Education while making an impact, will only go so far in creating change.

North Dakota cannot afford to lose these valuable members of our community through death and disability caused by motor vehicle crashes when they are so preventable. There are so many things that we can do little to prevent such as cancer, heart disease, stroke, multiple sclerosis.

Our government agencies legislate personal safety in many different ways when there is evidence that clearly shows that a safety measure will save lives. Examples of this are: traffic signals, aviation regulations, OSHA regulations, minimum age to purchase cigarettes, etc. This is done because the death and disability caused by the safety hazard will affect all of us through increasing our risk of injury as well as increasing cost of health care.

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At the trauma center I work at, approximately 60% of the major trauma patients we care for are victims of motor vehicle crashes. 70% of those are unrestrained and in the months of October and November of 2002, all of our deaths from MVCs were unrestrained.

North Dakota is blessed with many excellent EMS personnel, nurses and physicians who work in our rural and urban emergency departments throughout the state. When a victim of a motor vehicle crash is brought in to the ED, they all work tirelessly to try to minimize the damage done to the victim's broken and bleeding body. But there is only so much that can be done after the damage has already occurred. It is often too late then. Even considering the experience and expertise all of us hold among us, we do not have the power that you, the members of our legislature, do to save so many lives. You can make a change in our law that could save 50% of those fatalities that occur each year and reduce the extent of injury to so many others. Those of us in healthcare can only dream of that type of power to save lives.

On a personal level, I am the nurse manager of MeritCare's Emergency Center. It is often my role to tell the husband, mother, sister or young son of the victim that their family member has died or try to explain to them that I don't know if they will ever wake up again. As our statistics show, if they had only worn their seat belt, I would often not have to deliver the news that is so devastating. If you could walk in my shoes for one day, I don't believe you would question the right decision on SB 1289.

Thank you.

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10/17/03
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**TESTIMONY
BY SENATOR MICHAEL POLOVITZ
TO THE SENATE TRANSPORTATION COMMITTEE
SB 2189**

I find it best to testify for a "DO PASS" on this bill by reading a letter to the "Mailbag" in the "Grand Forks Herald" written by my son, who is a doctor in Grand Forks, ND and I quote:

"I find it quite difficult to not respond to the Bismarck Tribune's editorial, "Don't cinch seat-belt law tighter," which was reprinted in the Herald.

As stated in the editorial, a Red River Valley legislator will introduce a bill to make failure to buckle up "ticketable" all by itself. The Tribune had several reasons why we should not change the law: 1. Going unrestrained should be a drivers right. 2. Legislating by "sneaking degrees." 3. Policing seat belts is not the best use of law enforcement time.

I easily could argue against each of these reasons in detail, but I won't at this time, deferring to a more important reason to support this bill.

As the Grand Forks County coroner, I can tell you that last year was an extremely bad year. I walked away shaking my head from many motor vehicle accidents- accidents in which the drivers were thrown and crushed by their vehicles or killed when run over by another.

In virtually every case, the damage to the vehicle was minimal or moderate. Air bags deployed but were no help when the driver ejected.

If a new seat-belt law is approved and just one ticketed driver is influenced, subsequently uses his/her seat belt and is saved, the law is worthwhile. What's more important: the above three reasons or the one?

The coroner's job is a sad one, but someone has to do it. My primary employment is family practice medicine and teaching family practice residents at UND. One of the many important aspects of my job is preventative medicine. Many patients I work with have endured my nagging for years on the subject. Some have heard of one particular true story. It goes like this:

In the middle of a very busy office day a couple of years ago, I noticed a 10-minute appointment that was labeled, "Talk." Already tired, I hardly could imagine a personal, marriage-related, alcohol or other problem that would take only 10 minutes (and you wonder why we are so far behind).

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SB 2189**

As I entered the room, I recognized a young female whom I'd the pleasure of delivering two children from and had not seen for a few years. As we got reacquainted, she reminded me that she now lived in Iowa and was back here visiting her parents.

When I asked her what she needed to talk about, she told me that she only wanted to thank me. She told me how I nagged her and her husband after the birth of their first child to wear seat belts all the time, so their restrained baby would not be an orphan at an early age.

One day when she was driving alone on a highway in Iowa, now with her seat belt on, a deer jumped out in front of her. She swerved and missed the deer, but lost control of the car. The highway patrolman told her the car must have rolled at least 10 times, and he had never seen a car so damaged in which the driver was not injured.

He congratulated her for wearing her seat belt and I, of course, did not charge her for the office visit."

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TESTIMONY BY PHILIP WEISER
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
BEFORE THE NORTH DAKOTA SENATE TRANSPORTATION COMMITTEE
ON THE MERITS OF
A PRIMARY SAFETY BELT LAW
February 7, 2003

I would like to thank Senator Russell Thane for inviting me to testify. My name is Philip Weiser and I am a Highway Safety Specialist for the National Highway Traffic Safety Administration (NHTSA), an agency of the U.S. Department of Transportation. Our goal at NHTSA is to reduce the annual toll of some 41,000 deaths, 3,000,000 injuries, and \$230 billion in societal costs due to motor vehicle crashes in America.¹ As a NHTSA Highway Safety Specialist, I would like to discuss how primary safety belt laws could help reduce the number of deaths and injuries on North Dakota's roadways each year. There is no reason why anyone should die or become seriously injured because of the lack of safety belt use.

Passing laws, enforcing them, and convincing people to wear safety belts, are responsibilities at the State and community level. Research shows that the enactment and enforcement of strong safety belt laws are effective at increasing safety belt use. There is specific State legislation that has proven effective in raising the safety belt use rates in States that adopt it. I will be testifying on the merits of upgrading your safety belt law to one allowing primary enforcement. Primary enforcement is sometimes referred to as "standard enforcement." Both terms mean the same thing. For the purposes of this testimony, I will use the term "primary enforcement."

Primary enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger. Secondary enforcement, which is what North Dakota has now, means that a citation for not wearing a safety belt can only be written after the officer stops the vehicle or cites the offender for another infraction. In States with secondary laws, a police officer can stop a motorist for

a malfunctioning taillight or an expired license tag, but cannot stop a motorist for violating the State's safety belt law. We believe that a primary law will not only save lives and reduce injuries in North Dakota, but will also save North Dakota's citizens substantial amounts of money in associated health care costs.

Primary safety belt laws have a proven track record of increasing a State's safety belt use rate:

- In June 2002, the average safety belt use rate in States with primary enforcement laws was 11 percentage points higher than in States without primary enforcement laws.² (Safety belt use was 80 percent in primary law States versus 69 percent in States without primary enforcement.)
- When States upgrade their laws from secondary to primary, dramatic increases in safety belt use are often observed. For example, when three States—New Jersey, Alabama, and Michigan--upgraded their secondary safety belt laws to primary laws in 2000.
 - The safety belt use rate in New Jersey rose from 63 percent in 1999 to 74 percent in 2000.
 - The safety belt use rate in Alabama rose from 58 percent in 1999 to 71 percent in 2000.
 - The safety belt use rate in Michigan rose from 70 percent in 1999 to 84 percent in 2000.
- If North Dakota can raise its safety belt use rate 14 percentage points by passing a primary belt use law, it is estimated that 7 fatalities, 100 nonfatal injuries, and \$11.6 million in crash related economic costs could be saved in North Dakota annually.³ (Cost categories included are medical costs, EMS, vocational rehabilitation, market productivity, household productivity, insurance administration, workplace costs, legal/court costs, and premature funeral costs.)

Primary safety belt laws also help save the lives of children. Citizens are much more likely to buckle up and place their children in child safety seats when there is the possibility of receiving a citation for not doing so. NHTSA and State surveys have

repeatedly and consistently shown that adult safety belt use is a strong predictor of whether children are appropriately restrained. However, in 2000, one out of every three children 5 to 15 years of age was unrestrained and traffic crashes are the leading cause of death among children in this age group.

But are safety belts really effective in reducing deaths and injuries in vehicle crashes? Consider the following:

- Safety belts reduce the risk of death to front seat passenger car occupants by 45 percent and the risk of moderate to critical injury by 50 percent. For light truck occupants, safety belts reduce the risk of death by 60 percent and moderate to critical injury by 65 percent.⁴
- In 2002, almost four out of five (76%) vehicle occupants who died in North Dakota were not wearing safety belts. Of the total 97 fatalities in 2002, 32 deaths occurred in single-vehicle rollover crashes, ejecting 27 occupants, all of whom were unrestrained and killed.
- And remember, even if you are a good driver, wearing your safety belt is your best defense against drunk, drowsy, and aggressive drivers.

Now let's address the economic costs of not wearing safety belts. The National Highway Traffic Safety Administration (NHTSA) published a report⁵ on the economic impact of crashes for 2000 and found the following:

- In 2000, safety belt use saved about \$50 billion in medical care, lost productivity, and other injury related costs.
- Conversely, safety belt non-use cost society about \$26 billion.⁶
- The lifetime economic cost to society for each traffic fatality is over \$977,000. Over 80 percent of this amount is attributable to lost workplace and household productivity.
- Each critically injured survivor costs an average of \$1.1 million. Medical costs and lost productivity account for 84 percent of the cost for this most serious level of non-fatal injury.

- A key finding of the report was that those *not* directly involved in crashes pay for nearly *three-quarters* of all crash costs, primarily through insurance premiums, taxes, and travel delay. In 2000, these costs—borne by society rather than by crash victims—totaled over \$170 billion for all traffic crashes.

Safety belts save lives:

- In 2000, safety belts prevented 11,889 fatalities and approximately 325,000 serious injuries.
- Conversely, safety belt non-use represents an enormous lost opportunity for injury prevention. In 2000 alone, more than 9,200 persons were killed and 143,000 were injured unnecessarily because they failed to wear their safety belts.⁷

Thank you again for inviting me to testify. I hope the information I have provided is helpful. I would be glad to answer any questions.

¹ The Economic Impact of Motor Vehicle Crashes 2000. National Highway Traffic Safety Administration; DOT HS 809 446, p. 1.

² Data accessed from the National Highway Traffic Safety Administration web site at <http://www-nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/Rpts/2002/Belt&HelmetUseNOPUS.pdf> on September 10, 2002.

³ Data on lives saved, injuries prevented, and cost savings due to estimated increases in safety belt use among secondary law States if legislation were upgraded to primary are available from NHTSA.

⁴ Kahane, Charles J. Fatality Reduction by Safety Belts For Front-Seat Occupants of Cars And Light Trucks; National Highway Traffic Safety Administration, December 2000; DOT HS 809 199.

⁵ The Economic Impact of Motor Vehicle Crashes 2000. National Highway Traffic Safety Administration; DOT HS 809 446, pp. 5-7.

⁶ The Economic Impact of Motor Vehicle Crashes 2000. National Highway Traffic Safety Administration; DOT HS 809 446, p. 54.

⁷ The Economic Impact of Motor Vehicle Crashes 2000. National Highway Traffic Safety Administration; DOT HS 809 446, p. 54.

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*Additional information
from Philip Weiser*

Safety belts are nearly 100% effective in preventing ejection and they prevent occupants from being thrown around inside the vehicle. Further, they are effective in frontal crashes into fixed objects, also frequent among young drivers. Unfortunately, young drivers are among the least likely of any group to buckle up.

In addition, without laws requiring safety belt usage, no nation or State has been successful in a high proportion of its adult motorists, much less its teenagers, to buckle up.

II. Effectiveness of Safety Belts

There is little controversy with regard to the demonstrated effectiveness of safety belts in reducing death and injury --when they are worn.

Nearly all experts agree that safety belts are 40-50% effective in reducing deaths and 45-55% effective in reducing serious injuries --when they are worn by persons involved in serious crashes.

National fatality statistics show that among all vehicle occupants involved in fatal crashes, unrestrained occupants are about twice as likely to be killed as restrained occupants. Further, restrained occupants are about three times as likely to receive no injuries at all, compared with unrestrained occupants.

Hospital studies repeatedly confirm these findings by showing that unrestrained persons are far more likely to be admitted following to a hospital after a crash, have far more severe injuries, require longer periods of hospitalization (and costs of treatment) and are more frequently uninsured, underinsured or protected only by government-supported coverage such as workman's compensation, Medicare or Medicaid.

Following are the results of some of these studies:

o Mercy hospital, Miami Florida

- The cost of treating unbuckled victims was 3 times that of treating victims who were buckled up at the time of the crash (\$2,340 for unbuckled vs. \$864 for buckled).

o Chicago Area Hospitals

- Injuries to unbuckled victims were 2.5 times as severe as injuries to buckled victims;
- Two-thirds of the motor-vehicle crash victims admitted were unbuckled;
- 61% of unbuckled victims had either no payment plan or were on a government-supported plan (e.g. workman's compensation, medicare or medicaid).

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o University of Tennessee

- More than twice the proportion of unbuckled victims (57%) required admission to hospital as buckled victims (27%);
- The average cost for treating unbuckled victims was more than seven times that of buckled victims (\$1,756 vs. \$240, respectively);
- Medicaid alone paid for more than twice the proportion of the costs for unbuckled victims (16%) than for buckled victims (7%).

o 14 Michigan Hospitals

Passage of the Michigan law resulted in:

- a 19% reduction in hospitalization due to motor vehicle crashes;
- a 20% reduction in injuries to extremities;
- a 32% reduction in injuries to users of public health insurance; and
- a 22% reduction in injuries to minority victims;

o League General Insurance

- Passage of the Michigan law resulted in an 18% reduction in claims in first two years after law was in effect;
- reduced fatal/severe injury claims by 25%;
- reduced serious/moderate injury claims by 20%; and
- restrained victims were half as likely to suffer fatal or serious injury as unrestrained victims.

III. Arguments in Opposition to Belt Laws

There have been many arguments made by opponents of safety belt use laws. Following are some of the most common of them:

1. "I would have been killed if I had been buckled up"

It seems that most opponents of safety belt laws have their own stories of how they or a friend of theirs would have been killed if they had been buckled up. Most of these stories have no factual basis. There may be some cases where a belted person was put at greater risk by buckling up but crash

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SEAT BELT BILL SB2189

My name is Brad Manz (Bismarck) and I oppose this bill for the following reasons:

- While seat belts certainly have saved lives, many have died because they were wearing them.
- Certainly we, as drivers, should be able to decide for ourselves.
- Why should North Dakota have a primary enforcement law when our neighboring states do not?
- Where does it all end? Will the next proposals be for full-body harnesses, helmets, and flame retardant suits?
- The essence of the problem is irresponsible, incompetent and careless driving which cannot, unfortunately, be legislated away.

Thank you.

Brad Manz
PO Box 7364
Bismarck, ND 58507-7364

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