

2021 SENATE TRANSPORTATION

SB 2121

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2121
1/15/2021

A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and section 39-21-41.4 of the North Dakota Century Code, relating to statutory fees and safety belt usage; to repeal section 39-21-41.5 of the North Dakota Century Code, relating to secondary enforcement of safety belt requirements; and to provide a penalty.

Chair Clemens calls the meeting to order. Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, and D. Larsen are present. [9:03]

Discussion Topics:

- Seat belts
- Secondary enforcement vs. primary enforcement

Senator Bekkedahl [9:03] introduces the bill and proposes an amendment to it. He submits the amendment [LC 21.0432.01001] as testimony #1129. He testifies in favor and submits testimony #870.

Ryan Gellner [9:10], Program Manager for the ND Association of Counties, testifies in favor and submits testimony #835.

Karin Mongeon [9:33], Safety Division Director, ND Department of Transportation, testifies in favor and submits testimony #844.

Christa Kovarik [9:43], Trooper with the ND Highway Patrol, testifies in favor and submits testimony #853.

Josh Askvig [9:55], State Director for AARP ND, testifies in favor and submits testimony #858.

Andy Schneider [9:56], Sheriff with the Grand Forks County Sheriff's Office, testifies in favor and submits testimony #854.

Matthew Gardner [10:19], ND Motor Carriers Association, testifies in favor and submits testimony #881.

Mary Waldo [10:22], ND State Trauma Systems Coordinator with the Department of Emergency Medical Services, ND Department of Health, testifies in favor and submits testimony #878.

Dawn Mayer [10:38], Child Passenger Safety Program Director, ND Department of Health, testifies in favor and submits testimony #875.

Carma Hanson [10:43], Coordinator, Safe Kids Grand Forks, testifies in favor and submits testimony #879.

Terry Weaver [10:53], ND Safety Council, testifies in favor and submits testimony #865.

Additional written testimony:

Daryl Dukart, Dinkins Sisters, submits testimony #687.

Gene Ladoucer, Director of Public Affairs with AAA, submits testimony #839.

Kimberly Vachal, Associate Professor/Program Director with NDSU Upper Great Plains Transportation Institute, submits testimony #845.

Tara Ackerman, National Safety Council, submits testimony #857.

Don Larson, Consultant with General Motors, submits testimony #864.

Steve Blackistone, State and Local Liaison with the National Transportation Safety Board, submits testimony #867.

Tim Blasi, President of the ND Hospital Association, submits testimony #872.

Mary Korsmo, Executive Director of the ND Association of City and County Health Officials, submits testimony #876.

Skyler Dutton submits testimony #883.

Scott Hennen, Flag Family Media, submits testimony #884.

Chair Clemens closes public hearing. [10:57]

Senator Dwyer motions to adopt the amendment [LC 21.0432.01001]. [11:12]

Senator Bakke seconds. [11:13]

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0. [11:13]

Senator Dwyer motions DO PASS as amended. [11:17]
Senator Bakke seconds. [11:17]

Senators	Vote
Senator David Clemens	N
Senator Robert Fors	N
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	N
Senator JoNell Bakke	Y

Motion fails 3-3-0. [11:18]

Senator Bakke motions to approve with No Recommendation as Amended. [11:18]
Senator Dwyer seconds. [11:18]

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0. [11:19]
Senator Dwyer will carry. [11:20]

Chair Clemens adjourns the meeting. [11:21]

Sheldon Wolf, Committee Clerk

SK
1/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2121

Page 1, line 1, remove "subsection 2 of section 39-06.1-06 and"

Page 1, line 2, remove "statutory fees and"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 7

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2121: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2121 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 2 of section 39-06.1-06 and"

Page 1, line 2, remove "statutory fees and"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 7

Re-number accordingly

21.0432.01001
Title.

Prepared by the Legislative Council staff for
Senator Bekkedahl

January 14, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2121

Page 1, line 1, remove "subsection 2 of section 39-06.1-06 and"

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Re-number accordingly

SENATE BILL NO. 2121

Introduced by

Senators Bekkedahl, Kreun, Patten

Representatives Mock, Schreiber-Beck, Zubke

1 A BILL for an Act to amend and reenact ~~subsection 2 of section 39-06.1-06~~ and section
2 39-21-41.4 of the North Dakota Century Code, relating to ~~statutory fees and~~ safety belt usage;
3 to repeal section 39-21-41.5 of the North Dakota Century Code, relating to secondary
4 enforcement of safety belt requirements; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **~~SECTION 1. AMENDMENT.~~** ~~Subsection 2 of section 39-06.1-06 of the North Dakota~~
7 ~~Century Code is amended and reenacted as follows:~~

8 ~~2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except~~
9 ~~for:~~

10 ~~a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, or 39-21-41.4,~~
11 ~~a fee of fifty dollars.~~

12 ~~b. A violation of section 39-10-05 involving failure to yield to a pedestrian or~~
13 ~~subsection 1 of section 39-10-28, a fee of fifty dollars.~~

14 ~~c. A violation of section 39-21-41.2, a fee of twenty-five dollars.~~

15 ~~d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section~~
16 ~~39-08-25, a fee of one hundred dollars.~~

17 ~~e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one~~
18 ~~hundred dollars.~~

19 ~~f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a~~
20 ~~resident of this state, a fee of one hundred dollars.~~

21 ~~g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty~~
22 ~~dollars.~~

23 ~~h. A violation of section 39-10-59, a fee of five hundred dollars.~~

24 ~~i. A violation of section 39-09-01, a fee of thirty dollars.~~

- 1 ~~j. A violation of section 39-09-01.1, a fee of thirty dollars.~~
2 ~~k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.~~
3 ~~l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first~~
4 ~~violation and three hundred dollars for a second or subsequent violation in three~~
5 ~~years.~~
6 ~~m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.~~
7 ~~n. A violation of section 39-10-50.1, a fee of fifty dollars.~~

8 **SECTION 1. AMENDMENT.** Section 39-21-41.4 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement -**
11 **Evidence.**

12 ~~Subject to the limitations of this section and section 39-21-41.5, a~~ driver may not operate
13 upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which
14 was originally manufactured with safety belts unless each front seat occupant is wearing a
15 properly adjusted and fastened safety belt. This section does not apply to a child in a child
16 restraint or safety belt in accordance with section 39-21-41.2; to drivers of implements of
17 husbandry; to operators of farm vehicles as defined in subsection 5 of section 39-04-19; to rural
18 mail carriers while on duty delivering mail; to an occupant with a medical or physically disabling
19 condition that prevents appropriate restraint in a safety belt, if a qualified physician, physician
20 assistant, or advanced practice registered nurse states in a signed writing the nature of the
21 condition and the reason restraint is inappropriate; or when all front seat safety belts are in use
22 by other occupants. A physician, physician assistant, or advanced practice registered nurse
23 who, in good faith, provides a statement that restraint would be inappropriate is not subject to
24 civil liability. A violation for not wearing a safety belt under this section is not, in itself, evidence
25 of negligence. The fact of a violation of this section is not admissible in any proceeding other
26 than one charging the violation.

27 **SECTION 2. REPEAL.** Section 39-21-41.5 of the North Dakota Century Code is repealed.

SENATE TRANSPORTATION COMMITTEE

Honorable David Clemens, Chairman

SB 2121 Testimony

January 15, 2021

Chairman Clemens and Committee,

My name is Brad Bekkedahl and I am from Williston and represent District 1 in the Senate. The bill before you to today is being introduced by myself on behalf of the coalition representing the Vision Zero campaign. I am honored to work with them to help save the lives of our family, friends, and fellow citizens. We all know that seatbelts save lives. Seatbelts are the single most effective safety device to prevent death and injury in a motor vehicle crash. The truth is, not wearing a seat belt is already against the law for front seat occupants and children required to be in approved safety seats. Yet, every 5 days an unbelted vehicle occupant is thrown from their vehicle in a crash in our state. And, nearly half of all motor vehicle fatalities were unbelted in 2019. Statistics prove that a stronger seat belt law in our state would save lives. North Dakota is one of only 15 state left in the country with a secondary enforcement seatbelt law.

Senate bill 2121 updates existing state law in two ways. First, it changes enforcement from a secondary offense to a primary offense. Second, it changes the requirement from front seat occupants to all occupants in the vehicle. The original version of the bill before you also has a change in the fine structure from \$20.00 to \$50.00. But with the committee's consent I have with me an amendment for your consideration that removes that provision and maintains the fine at the \$20.00 level that currently exists. This confirms that the bill is about saving lives and not about increasing any revenue stream. The two remaining changes will not only save lives, but will save taxpayers money, and will cost nothing to implement.

Data shows us that a primary seatbelt law is proven to work. Today we have an 83% observed seatbelt use rate in North Dakota. While improved over the last two decades, it is still one of the worst compliance rates in the nation. However, states that have transitioned to a primary seatbelt law have seen an immediate 10-12% increase in their observed usage rates, which could take North Dakota up to a nearly 95% compliance rate, and correspondingly reduce injuries and save lives!

The primary seatbelt law is not about law enforcement writing tickets, or even about officers pulling people over. It's about saving lives. According to National Highway Transportation Safety Administration data, having a primary seatbelt law would have saved 5 lives in North Dakota last year. Not a large number but if a significant number for those families that lost relatives last year if one of them could have been their family member. Not only will this bill save lives, but it is known that among drivers and front seat passengers, seat belts reduce the risk of death and serious injury by 45% and 50% respectively. And for people in front seats of SUV's, vans, and pickups, the use of seatbelts reduces the risk of a fatal injury by 60% and a moderate to critical injury by 65%.

In conclusion Chairman Clemens and Committee members, we must remember that driving is not a right, it is a privilege and it already has many regulations and requirements attached to that privilege. And with that privilege comes responsibility. Just as we have laws that require us to drive the speed limit, stop at stop signs, and use our turn signals, wearing a seatbelt to protect ourselves and others should be a part of our privilege to drive and ride in a vehicle.



Testimony to the
Senate Transportation Committee
Prepared January 12, 2021
by Ryan Gellner, North Dakota Association of Counties

Regarding: SB 2121

My Name is Ryan Gellner, representing the North Dakota Association of Counties.

The North Dakota Association of Counties Support SB 2121.

In North Dakota there are over eleven-thousand miles of county roads that counties are ultimately responsible for. Counties throughout North Dakota have taken the Vision Zero initiative seriously and are supportive of updating North Dakota's seatbelt law to primary enforcement.

North Dakota is one of the remaining 15 states that lack primary enforcement authority for the use of seatbelts in motor vehicles. A primary seatbelt Law is will have an immediate and significant impact on reducing motor vehicle crash deaths and serious injuries in North Dakota.

SB 2121 does not cost anything but will clearly save money. Unbelted crash victims have medical bills 50-percent higher than belted crash victims (NHTSA), costing ND taxpayers millions of dollars. Wearing a seatbelt reduces the risk of dying in a car crash by 45% according to a 2015 study.

Driving on public roads is a privilege, and not a right... therefor it can and should be regulated. Requiring seatbelt use is no more an infringement on your rights than requiring liability insurance, or being required to turn on your headlights, or stop at stop signs. Upgrading North Dakotas seatbelt law from secondary enforcement to primary enforcement won't create a new law. It will simply allow law enforcement officers to enforce a seatbelt law just like they do any other traffic law.

The Illinois Supreme Court ruled in the case People vs. Kohrig (1986) that seatbelt laws are constitutional. The court said, "A law whose aim is to reduce the private and public costs resulting from injuries and deaths caused by motor vehicle accidents is within the police power of the state."

You have the power. The North Dakota Association of Counties is asking you to keep us safe on our roadways. More people die in motor vehicle crashes in our state from being unbelted than any other contributing crash factor including drunk driving, distracted driving, or speeding (NDDOT).

Thank you, Chairman Clemens and all the Transportation Committee members. Your work on protecting every North Dakota citizen riding in an automobile is greatly appreciated.

"If North Dakota had a primary seat belt law, more people would wear seat belts and there wouldn't be so many families living the nightmare of having to bury their loved ones."

Quote from Corey Nelson, brother of Kyle Nelson. Kyle was killed in a single-vehicle rollover in rural Geneseo, ND on November 13, 2014. He was not wearing a seatbelt, was ejected from, and pinned under the vehicle.

North Dakota Department of Transportation
Karin Mongeon, Safety Division Director
SB 2121

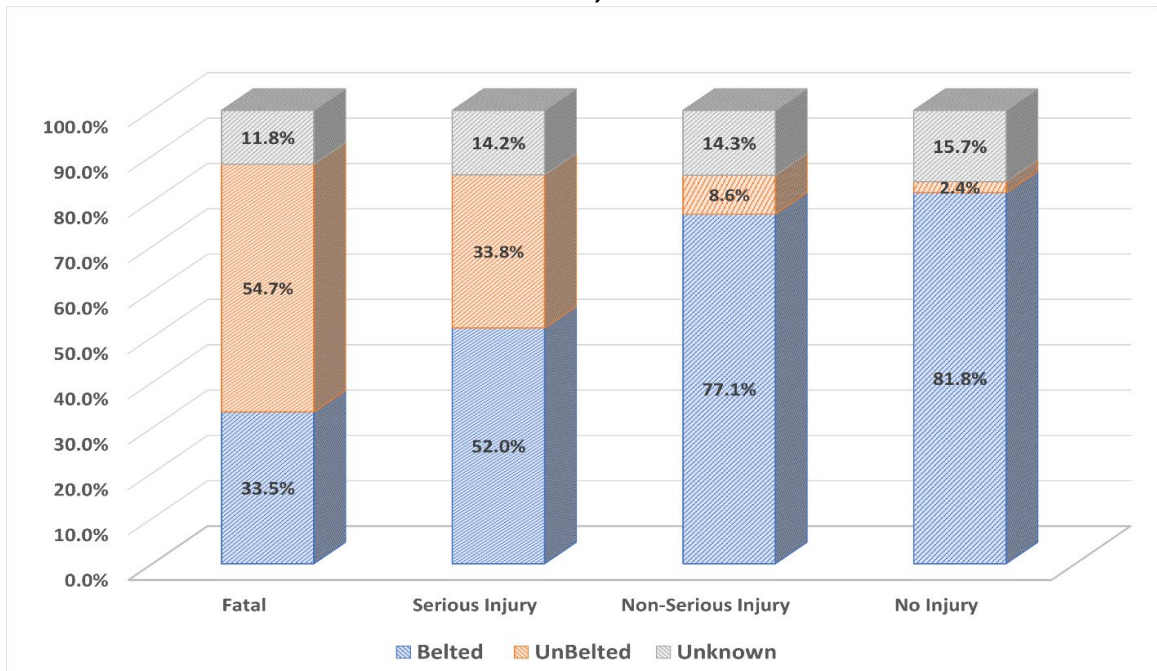
Good morning Chairman Clemens and members of the Senate Transportation Committee. My name is Karin Mongeon and I am the Safety Division Director for the North Dakota Department of Transportation (NDDOT). I am here this morning to provide information for SB 2121. Thank you for giving me the opportunity to address you today.

SB 2121 would repeal section 39-21-41.5 of the North Dakota Century Code relating to secondary enforcement of safety belt requirements.

Motor vehicle crashes are the leading cause of injury-related death in North Dakota. More people die in unbelted crashes in North Dakota than other contributing crash factors including impaired driving, distracted driving, or speeding.

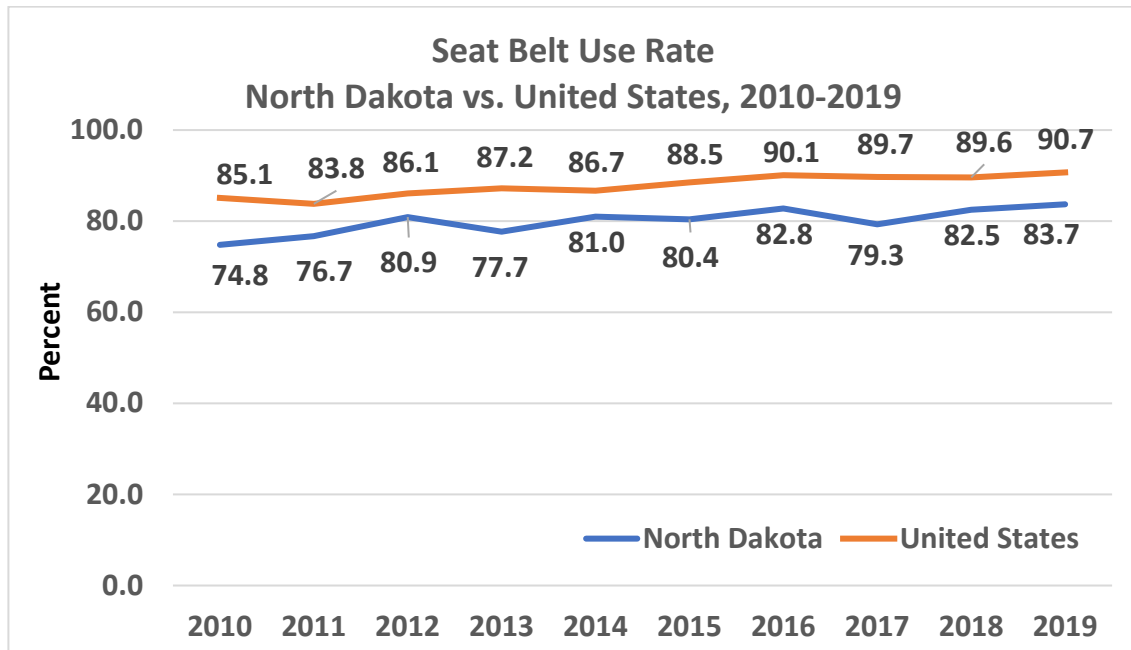
Crash data collected and analyzed by the NDDOT Safety Division shows that over the past five years (2015-2019), 565 people died in motor vehicle crashes. Of those killed where seat belts apply (excluding motorcyclists, bicyclists and pedestrians), about 55 percent were not wearing a seat belt. This same data demonstrates in the chart below the direct correlation between seat belt use and injury severity. Unbelted vehicle occupants account for the largest percent of fatalities and serious injuries while belted occupants most commonly receive non-serious or no injuries. (Figure 1)

FIGURE 1
Percent of Restraint Use by Injury Classification
North Dakota, 2015-2019



An annual observational seat belt study conducted by North Dakota State University (NDSU) Upper Great Plains Transportation Institute (UGPTI) on behalf of the NDDOT Safety Division shows North Dakota’s seat belt use rate in 2019 was 83.7 percent. While this may appear high, it’s the 16 percent who do not wear their seat belts – about 122,000 North Dakotans – who remain extremely vulnerable to the consequences of a crash. And, this 16 percent of non-seat belt users is contributing to more than half of North Dakota crash fatalities annually. Also, North Dakota’s observed seat belt use rate has been consistently lower than the national seat belt use rate over the past 10 years. (Figure2) The national seat belt use rate from 2019 is 90.7 percent while North Dakota’s most recent use rate is 83.7 percent.

FIGURE 2



Vision Zero

The NDDOT, along with the North Dakota Highway Patrol, is assigned responsibility for the public safety of road users. Both agencies take this responsibility very seriously and three years ago in January 2018 launched the *Vision Zero* strategy to reduce motor vehicle crash deaths and serious injuries in North Dakota to zero – along with the Governor’s Office and other public and private sector partners.

Vision Zero has been very well-received and has the support and involvement of hundreds of stakeholders throughout North Dakota working together to apply evidence-based strategies proven to prevent severe motor vehicle crashes. A Primary Seat Belt Law (PBL) is among the evidence-based strategies identified in the North Dakota *Vision Zero* Plan as a priority strategy for implementation because it will have immediate and significant impact to reduce crash fatalities and serious injuries in North Dakota. Research shows that states that transitioned to a PBL have experienced a 10-12 percent increase in their observed seat belt use. (Source: National Highway Traffic Safety Administration)

To demonstrate the effectiveness of PBLs, I’ve included Attachment 1 which shows states that have a PBL have a lower percent of unbelted motor vehicle crash fatalities.

The citizens of North Dakota largely support a PBL. An annual study conducted by NDSU UGPTI on behalf of the NDDOT Safety Division shows that 6 of 10 North Dakota citizens support a PBL. Sixty-one percent of respondents to this survey in 2020 favored a PBL (Figure 3).

FIGURE 3

Year	Percent in Favor of a PBL in North Dakota (Strongly Favored + Somewhat Favored)
2016	58%
2017	62%
2018	62%
2019	58%
2020	61%

The work we do in the Safety Division allows us to talk to many people about seat belt use. This has given us insight that those who do not wear their seat belt are often, at some point, influenced by a significant life event and begin to wear it. Often, the significant life event is having their first child, becoming a grandparent, or being in or knowing somebody who has been involved in a crash. The significant life event impresses upon them how precious life is and prompts them to begin to wear a seat belt. A PBL will promote seat belt use among those who would otherwise choose not to wear one until their life experiences convince them to wear one by choice.

Seat belts save lives. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. But all drivers and passengers must wear them for them to be effective.

Thank you.

ATTACHMENT 1

Percent Unrestrained Motor Vehicle Crash Fatalities by State, 2018													
State	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Law Type	Fine Amount	2018 Percent Unrestrained Fatalities
District of Columbia	93.0%	92.3%	95.2%	92.4%	87.5%	93.2%	95.5%	94.1%	93.6%	95.1%	Primary	\$50	12.5%
Oregon	96.6%	97.0%	96.6%	96.8%	98.2%	97.8%	95.5%	96.2%	96.8%	95.8%	Primary	\$130	26.3%
Michigan	98.0%	95.2%	94.5%	93.6%	93.0%	93.3%	92.8%	94.5%	94.1%	93.4%	Primary	\$25	28.4%
California	95.3%	96.2%	96.6%	95.5%	97.4%	97.1%	97.3%	96.5%	96.2%	95.9%	Primary	\$162	30.9%
Utah	86.1%	89.0%	89.2%	81.9%	82.4%	83.4%	87.2%	87.9%	88.8%	89.0%	Primary	\$45	31.8%
New York	88.0%	89.8%	90.5%	90.4%	91.1%	90.6%	92.2%	91.8%	93.4%	92.9%	Primary	\$50	32.6%
Washington	96.4%	97.6%	97.5%	96.9%	94.5%	94.5%	94.6%	94.7%	94.8%	93.2%	Primary	\$124	32.6%
Minnesota	90.2%	92.3%	92.7%	93.6%	94.8%	94.7%	94.0%	93.2%	92.0%	92.4%	Primary	\$100	33.1%
Iowa	93.1%	93.1%	93.5%	92.4%	91.9%	92.8%	93.0%	93.8%	91.4%	93.9%	Primary	\$128	34.8%
Maryland	94.0%	94.7%	94.2%	91.1%	90.7%	92.1%	92.9%	90.8%	92.1%	90.3%	Primary	\$83	35.6%
West Virginia	87.0%	82.1%	84.9%	84.0%	82.2%	87.8%	89.0%	86.8%	89.7%	90.5%	Primary	\$25	36.2%
Illinois	91.7%	92.6%	92.9%	93.6%	93.7%	94.1%	95.2%	93.0%	93.8%	94.6%	Primary	\$25	36.9%
Wisconsin	73.8%	79.2%	79.0%	79.9%	82.4%	84.7%	85.8%	88.4%	89.4%	89.3%	Primary	\$10	37.5%
Indiana	92.6%	92.4%	93.2%	93.6%	91.6%	90.2%	91.9%	92.4%	93.0%	93.4%	Primary	\$25	37.9%
Connecticut	85.9%	88.2%	88.4%	86.8%	86.6%	85.1%	85.4%	89.4%	90.3%	92.1%	Primary	\$92	39.0%
Texas	92.9%	93.8%	93.7%	94.0%	90.3%	90.7%	90.5%	91.6%	91.9%	91.3%	Primary	\$50	39.6%
North Carolina	89.5%	89.7%	89.5%	87.5%	88.6%	90.6%	89.9%	91.7%	91.4%	91.3%	Primary	\$161	41.1%
Hawaii	97.9%	97.6%	96.0%	93.4%	94.0%	93.5%	92.8%	94.5%	96.9%	97.8%	Primary	\$112	41.7%
New Jersey	92.7%	93.7%	94.5%	88.3%	91.0%	87.6%	91.4%	93.4%	94.1%	94.5%	Primary	\$46	42.3%
Tennessee	80.6%	87.1%	87.4%	83.7%	84.8%	87.7%	86.2%	88.9%	88.5%	90.9%	Primary	\$25	42.5%
Rhode Island	74.7%	78.0%	80.4%	77.5%	85.6%	87.4%	86.7%	87.5%	88.3%	88.8%	Primary	\$40	43.3%
Florida	85.2%	87.4%	88.1%	87.4%	87.2%	88.8%	89.4%	89.6%	90.2%	90.6%	Primary	\$30	44.2%
Georgia	88.9%	89.6%	93.0%	92.0%	95.5%	97.3%	97.3%	97.2%	97.1%	96.3%	Primary	\$15	44.4%
Nevada	91.0%	93.2%	94.1%	90.5%	94.8%	94.0%	92.1%	89.4%	90.6%	91.9%	Secondary	\$25	44.5%
Kansas	77.0%	81.8%	82.9%	79.5%	80.7%	85.7%	82.1%	87.0%	82.0%	84.0%	Primary	\$10	45.1%
Ohio	83.6%	83.8%	84.1%	82.0%	84.5%	85.0%	83.9%	83.8%	82.8%	84.9%	Secondary	\$30	45.6%
Oklahoma	84.2%	85.9%	85.9%	83.8%	83.6%	86.3%	84.5%	86.6%	86.9%	85.6%	Primary	\$20	46.4%
Alaska	86.1%	86.8%	89.3%	88.1%	86.1%	88.4%	89.3%	88.5%	90.1%	91.6%	Primary	\$15	46.8%
Arizona	80.8%	81.8%	82.9%	82.2%	84.7%	87.2%	86.6%	88.0%	86.1%	85.9%	Secondary	\$10	46.9%
Louisiana	74.5%	75.9%	77.7%	79.3%	82.5%	84.1%	85.9%	87.8%	87.1%	86.9%	Primary	\$25	47.3%
South Carolina	81.5%	85.4%	86.0%	90.5%	91.7%	90.0%	91.6%	93.9%	92.3%	89.7%	Primary	\$25	48.6%
Massachusetts	73.6%	73.7%	73.2%	72.7%	74.8%	76.6%	74.1%	78.2%	73.7%	81.6%	Secondary	\$25	49.0%
North Dakota	81.5%	74.8%	76.7%	80.9%	77.7%	81.0%	80.4%	82.8%	79.3%	82.5%	Secondary	\$20	49.3%
Maine	82.6%	82.0%	81.6%	84.4%	83.0%	85.0%	85.5%	85.8%	88.9%	88.5%	Primary	\$50	49.5%
Alabama	90.0%	91.4%	88.0%	89.5%	97.3%	95.7%	93.3%	92.0%	92.9%	91.8%	Primary	\$25	49.7%
Arkansas	74.4%	78.3%	78.4%	71.9%	76.7%	74.4%	77.7%	75.1%	81.0%	78.0%	Primary	\$25	50.6%
New Mexico	90.1%	89.8%	90.5%	91.4%	92.0%	92.1%	93.3%	92.3%	91.5%	90.2%	Primary	\$25	50.7%
Pennsylvania	87.9%	86.0%	83.8%	83.5%	84.0%	83.6%	82.7%	85.2%	85.6%	88.5%	Secondary	\$10	51.1%
Wyoming	67.6%	78.9%	82.6%	77.0%	81.9%	79.2%	79.8%	80.5%	84.8%	86.3%	Secondary	\$25	51.8%
Delaware	88.4%	90.7%	90.3%	87.9%	92.2%	91.9%	90.4%	91.4%	91.4%	92.4%	Primary	\$25	52.4%
Virginia	82.3%	80.5%	81.8%	78.4%	79.7%	77.3%	80.9%	79.0%	85.3%	84.1%	Secondary	\$25	53.1%
Idaho	79.2%	77.9%	79.1%	79.0%	81.6%	80.2%	81.1%	82.9%	81.2%	85.4%	Secondary	\$10	53.2%
Nebraska	84.8%	84.1%	84.2%	78.6%	79.1%	79.0%	79.6%	83.3%	85.9%	85.5%	Secondary	\$25	53.3%
Colorado	81.1%	82.9%	82.1%	80.7%	82.1%	82.4%	85.2%	84.0%	83.8%	86.3%	Secondary	\$71	53.6%
Kentucky	79.7%	80.3%	82.2%	83.7%	85.0%	86.1%	86.7%	86.5%	86.8%	89.9%	Primary	\$25	54.4%
Vermont	85.3%	85.2%	84.7%	84.2%	84.9%	84.1%	86.0%	80.0%	84.5%	89.8%	Secondary	\$25	56.9%
Mississippi	76.0%	81.0%	81.9%	83.2%	74.4%	78.3%	79.6%	77.9%	78.8%	80.2%	Primary	\$25	56.9%
Missouri	77.2%	76.0%	79.0%	79.4%	80.1%	78.8%	79.9%	81.4%	84.0%	87.1%	Secondary	\$50	58.0%
South Dakota	72.1%	74.5%	73.4%	66.5%	68.7%	68.9%	73.6%	74.2%	74.8%	78.9%	Secondary	\$25	63.2%
Montana	79.2%	78.9%	76.9%	76.3%	74.0%	74.0%	77.0%	76.0%	78.0%	86.6%	Secondary	\$20	64.4%
New Hampshire	68.9%	72.2%	75.0%	68.6%	73.0%	70.4%	69.5%	70.2%	67.6%	76.4%	None	\$0	69.6%
Nationwide	84.0%	85.0%	83.8%	86.1%	87.2%	86.7%	88.5%	90.1%	89.7%	89.6%			43.1%

Senate Bill 2121
Senate Transportation Committee
Senator Clemens, Chairman
January 15, 2021

Chairman Clemens and members of the Senate Transportation Committee, my name is Christa Kovarik and I am a trooper with the North Dakota Highway Patrol. Please accept this statement in support of Senate Bill 2121.

I have been a trooper with the patrol for nearly 18 years and have been a crash reconstructionist for 13 years. While in high school, I did not like physics and even wanted to drop out. Many years later, I admit I love the study of physics because physics tell the story of a vehicle crash. Newton's Law states that a body in motion stays in motion until another action acts upon it. Relating that to a crash, think of traveling down I-94, at 75 mph. How fast are you going? 75. As it happens in North Dakota, a deer jumps out in front of you, your reaction is to forcefully apply the brakes; your body wants to continue to travel at 75 mph—which would mean forward motion into the steering wheel and then through the windshield. What stops your body from staying in motion? Your seatbelt.

If you are on a road with a lower speed limit and you are going 25 mph because you're driving in town, you may think, "*I don't need to wear my seatbelt in town, the speed limit is only 25 mph*". I investigated a crash where a teenage driver rear-ended a vehicle on main street. The driver was traveling 25 mph and declined medical assistance. She was sitting in my patrol car as I was getting information for a report, she kept rubbing her chest. I commented to her that she must not have been wearing her seat belt, she responded, "*No, how could you tell?*" She told me she didn't think at 25 mph she needed to wear her seatbelt and would not get hurt if she was involved in a crash. I asked if she still believed that to be true, and she responded no and admitted that without it, she flew forward and hit the steering wheel and was in pain.

In addition to keeping your body from forward motion in a crash, a seatbelt also keeps you inside the vehicle. One of the most common crashes in North Dakota is a one vehicle rollover. In fact, there have been 5,366 one vehicle rollovers in the past five

years, 177 of them fatal crashes. I have covered numerous single vehicle rollovers in my career; the reason these crashes most often are fatal is due to the person failing to remain in the safety zone of the vehicle. The advances in vehicle technologies today provide many safety features to keep occupants safe; the safety features are designed to work together, but if you don't stay in the vehicle, these features are useless. In a vehicle rollover, the occupant may remain in the vehicle for a full revolution; however, if the occupant is unrestrained, the person will be thrown around inside the vehicle. As the vehicle continues to roll, the windows give way and the occupant becomes a projectile and is forcefully thrown from the vehicle, eventually landing with their body hitting the ground, distorted, and with serious or fatal injuries. Another possibility is to be partially ejected and an arm or leg or other body part can get crushed under the vehicle as it rolls, or worse, the vehicle lands on them. In a personal experience from 2017, a group of young football players were coming home from a game; the driver got distracted and lost control of the vehicle. All occupants were not wearing seatbelts, were ejected and one died and the others severely injured. The vehicle compartment was completely intact after the crash, and had the three worn their seat belts, they would have remained in the vehicle and may have walked away with minor injuries. Often times people will argue that they do not want to wear a seatbelt in case they end up getting into a crash where they are submerged in water or the vehicle is on fire. Less than one-half of one percent of all injury crashes involve being submerged in water or engulfed in flames. Plus, if you are unrestrained in a crash, the likelihood of having an incapacitating injury that prevents you from being able to get out quickly is much higher.

The highway patrol works hard to provide a safe and secure environment and we rarely know the results of our prevention efforts, I want to share a story with a positive outcome because of seat belts. A motorist, driving a Honda Fit, was traveling north on Highway 83; the driver fell asleep and started to drift into the median. The vehicle traveled through the median, vaulted off a median crossover, became airborne and then rolled end to end. Both the driver and passenger had to be extricated, because both were wearing their seatbelts, they only sustained minor, non-debilitating injuries. There are photos of this crash following my remarks.

In conclusion, over nearly 18 years with the North Dakota Highway Patrol, I have seen many crashes; including fatal crashes or crashes where someone is paralyzed because they were ejected. In the vast majority of these crashes, if the motorist would have been wearing their seat belt at the time of the crash, they would have remained in the car or remained safely in their seat and they would be alive today, or in the case of those paralyzed, be walking today. I have also seen many 'wonder' crashes in my career: the crashes where I wonder how the occupants survived, how a vehicle is so mangled yet the driver compartment is intact and the driver survived, the answer: they were wearing a seatbelt. I have assisted in more than enough fatal crashes, where I must be the face associated with delivering bad news. So many would not have happened, with the simple act of buckling up.

I have shared only a few stories with you. Truth is, every single one of our officers could share these same stories one right after another. I appreciate the opportunity to stand before you today. I would be happy to answer any questions you may have.









Senate Transportation Committee

SB 2121

Prescription Drug Cost Transparency

January 15, 2021

Josh Askvig, AARP North Dakota

jaskvig@aarp.org – (701) 355-3642

Chairman Clemens and members of the Senate Transportation Committee, my name is Josh Askvig, State Director for AARP North Dakota. I appreciate your time today.

Before I get into our support for this bill, I'd like to spend just a moment reminding you who we are and why we are here. AARP is a nonpartisan, nonprofit, nationwide organization with nearly 38 million members. 86,000 of those members live in North Dakota – a staggering number when you consider the overall population of our state.

Our story dates back 60 years, to when our founder, Dr. Ethel Percy Andrus found a former colleague of hers living in a chicken coop. I know we talk about that often, but we think it says a lot about why we fight for what we do. A lot of issues touch older Americans and their ability to live safe, independent and healthy lives. Most of our work fits into three areas; helping people choose where they live, remain financially secure and access affordable health care.

AARP North Dakota is supporting a "Primary Belt Law" to enhance seat belt use among North Dakota drivers to reduce crash-related deaths. AARP at the State and local levels supports the efforts of *Vision Zero* to reduce deaths on our roadways. We have participated in a broad working group that consists of safety advocates, county officials, legislators, and law enforcement to evaluate and propose measures to enhance safe driving.

As some of you know, AARP also has volunteers who teach AARP Smart Driver Courses across the country and a number here in North Dakota aimed at helping

older drivers stay safe on the road. According to the National Safety Council, seat belts save lives. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. That's why one of the important parts of that course is the section on safety. The first point on safety is devoted to safety belts and the importance of wearing them every time, no matter the distance. SB 2121 works toward decreasing motor vehicle crash deaths in North Dakota and research shows other states that have implemented such a law have seen crash deaths decrease.

Thank you for listening and we urge you to give SB 2121 a DO Pass Recommendation.

GRAND FORKS COUNTY SHERIFF'S OFFICE #854

122 S 5TH ST, SUITE 210

GRAND FORKS, NORTH DAKOTA 58201-4632

SHERIFFS.OFFICE@GFCOUNTY.ORG

PHONE: 701-780-8280

FAX: 701-780-8307



SHERIFF ANDY SCHNEIDER

To: Transportation Committee Members
From: Sheriff Andy Schneider
Date: January 15th, 2021
RE: SB 2121

Dear Transportation Committee members,

My name is Andy Schneider, and I have the privilege of being the Sheriff of Grand Forks County. I come before you today to give testimony regarding why I am in favor of SB 2121.

- Conversations about personal freedoms. Driving is not a right, it is a privilege granted by the State.
- No driver is immune from being involved in a crash, nor can they completely control avoiding crashes.
- Persons' choices to not buckle up do not effect only that individual and their loved ones.
- Personal and professional experiences responding to crashes where persons were and were not buckled
- Emotional impact on emergency responders.
- Financial impact on agencies for days off for responding officers (recovery from critical incidents). Cost for visits to Psychologists, return to work verification.
- Temporary impact on staffing.
- Implementation of new equipment and traffic violation laws has not resulted in exponential growth in citations for that offense.
- Agency has daily operations.

I sincerely thank you for your time and consideration today. I am available at any time of day to further discuss this important bill with any and all of you.

Andy Schneider
Sheriff
Grand Forks County
701-741-2269
Andrew.schneider@gfcounty.org



#881

January 14, 2021

**Senate Transportation Committee
Senate Bill 2121**

Chairman Clemens members of the Senate Transportation Committee my name is Matt Gardner and I am here representing the North Dakota Motor Carriers Association (NDMCA). NDMCA supports SB 2121.

The trucking industry is critical in transporting freight nationally and internationally. North Dakota trucking companies transport over 37,000 tons of freight per day.

NDMCA mission statement is *"To Promote Highway Safety, Deliver Services and Provide Representation for Our Members"*.

Currently, the Federal Motor Carrier Safety Regulations require commercial motor vehicle drivers to wear safety belts. It is estimated that there is 86% compliance for drivers wearing their safety belts. This expanded to their passengers in 2016. Although this bill would not directly affect the trucking industry, safety of all users on our roads is a top priority for NDMCA.

NDMCA's Board of Directors approved policy statements include support of a primary safety belt law. NDMCA asks for a do pass recommendation from the Senate Transportation Committee.

Good morning Chairman Clemens and members of the Senate Transportation Committee. My name is Mary Waldo and I am the North Dakota State Trauma Systems Coordinator for the North Dakota Department of Health (NDDoH). Joining me is Dawn Mayer, the Child Passenger Safety Program Director for the NDDoH. We are here to testify in support of Senate Bill 2121.

Prior to my current role as the State Trauma Systems Coordinator, I served the public for eight years as a Registered Nurse (RN) in one of North Dakota's busiest emergency and trauma centers. Prior to that, I spent several years volunteering on a rural North Dakota ambulance service as an Emergency Medical Technician (EMT). I don't remember all of the patients I've lost over the years, but I do remember those whose lives ended because they did not wear a seatbelt.

For those of us who work in emergency medicine, whether pre-hospital or in an emergency department, the overwhelming sense of loss that comes with a preventable death lingers, sometimes for years. This emotional toll weighs heavily on the minds of emergency workers throughout the state, many of them volunteers in their rural communities, and it is often the reason that a great nurse or paramedic ultimately burns out and chooses a different career.

In North Dakota, every 11 days an unbelted vehicle passenger dies. Further, in 2020, nearly 70% of all motor vehicle fatalities were from unbelted occupants. Many of these are preventable deaths.

In addition to the financial and societal costs associated with unbelted crash victims, there is a significant and long-lasting emotional toll placed on our valuable emergency workers.

Primary seatbelt laws work and the majority of North Dakotans support a primary seatbelt law. In 2020, results of a statewide survey showed that 61% of North Dakotans favored a primary seatbelt law.

Thank you for the opportunity to share my testimony. Dawn Mayer will now provide testimony.

Good morning Chairman Clemens and members of the Senate Transportation Committee. As previously stated, my name is Dawn Mayer and I am the Child Passenger Safety Program Director for the NDDoH.

As part of my job, I coordinate child passenger safety training statewide for professionals; as part of that training, we teach the benefits of occupant restraint systems.

According to the National Safety Council, seat belts are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. Seat belts protect you by:

- Keeping you in the vehicle. This is important, as you are 25 times more likely to be killed if you're thrown from a vehicle during a crash.
- Keeping you in control of your vehicle if you are forced to swerve or brake suddenly.
- Spreading the force of impact over a large surface area and the strongest parts of the body - your bones.
- Allowing your body to slow down gradually, lessening the impact on internal organs.
- Preventing impact with the interior of the vehicle, such as the steering wheel, dash or windshield, which increases your chance of remaining conscious after a crash.
- Preventing trauma to the brain and spinal cord caused by sudden change in motion.
- Preventing collision with other occupants of the vehicle. If you don't wear a seat belt and are involved in a crash, other occupants in the vehicle are at risk of injury from you hitting them.

One death on North Dakota roads is too many. A primary seat belt law is an evidence-based strategy to help move North Dakota toward zero motor vehicle crash deaths. These deaths are preventable. To prevent death from motor vehicle crashes, everybody needs to wear a seat belt - every trip, every time.

The North Dakota Department of Health is pleased to be partnering with the North Dakota Department of Transportation and the North Dakota Highway Patrol on the Vision Zero initiative and is committed to reducing motor vehicle crash deaths and serious injuries to North Dakotans.

This concludes our testimony. We are happy to answer any questions you may have.

Good morning Chairman Clemens and members of the Senate Transportation Committee. My name is Mary Waldo and I am the North Dakota State Trauma Systems Coordinator for the North Dakota Department of Health (NDDoH). Joining me is Dawn Mayer, the Child Passenger Safety Program Director for the NDDoH. We are here to testify in support of Senate Bill 2121.

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- Preventing impact with the interior of the vehicle, such as the steering wheel, dash or windshield, which increases your chance of remaining conscious after a crash.
- Preventing trauma to the brain and spinal cord caused by sudden change in motion.
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This concludes our testimony. We are happy to answer any questions you may have.

#879

Testimony

Senate Bill 2121

Senate Transportation Committee

Friday – January 15, 2021

Safe Kids Grand Forks / Carma Hanson

Mr. Chairman, members of the Committee, my name is Carma Hanson. I am the Coordinator of Safe Kids Grand Forks, an injury prevention coalition that covers northeast North Dakota and northwest Minnesota. Altru Health System is the lead agency for our coalition and our membership consists of over 200 businesses, agencies, individuals, service clubs and community members who come together under the umbrella of injury prevention for children. I am also a certified child passenger safety technician (car seat expert) and have spent much of my career implementing effective strategies that prevent unintentional injuries and deaths, particularly in children.

Over the years, I have been a part of the statewide group of experts that gather routinely to create the North Dakota Vision Zero Plan. This plan is required by the Federal Highway Administration (FHWA) and is spearheaded by the North Dakota Department of Transportation. It includes members from several state agencies who are charged with making our North Dakota roadways safer and reducing traffic injuries and fatalities and reducing costs to taxpayers. In the past, experts have come together from areas such as law enforcement, traffic engineers, metropolitan planning organizations, county agencies, child passenger safety, emergency medical providers and others to create a strategy for making our North Dakota roadways safer. When our team gathers, we create a plan hoping to mirror the evidence-based outcomes proven successful in other states – **things that we know work**.

From results seen in other states that have implemented a primary belt law (currently there are 34 other states that have them) we know that a primary seat belt bill is a proven effective strategy in reducing traffic injuries and fatalities and decreasing costs to state agencies and funding sources such as Medicaid and Workforce Safety & Insurance. In fact, enacting a primary seat belt bill has been a part of our Vision Zero plan for many years and we need the help of our North Dakota legislature to carry out that strategy, one that will have significant lives saved and economic cost reductions. At a time in our state when we need to evaluate cost savings from all angles, this is an area in which we can see a cost savings with NO cost to implement and no services being cut. Let's dig further into those opportunities:

USAGE DATA:

- On average, North Dakota's seat belt usage is about 83%, placing us as the 7th lowest state in the nation for seat belt use; this is not a statistic to be proud of. That seat belt

usage rate leaves 122,000 citizens unprotected in their vehicles and this 16% is contributing to over half of the deaths seen on our roadways each year.

• While seat belt usage rates have gone up over the years, ND's seat belt usage has been lower than the national average over the last 10 years; we can do better than that and we know that the majority of those not belted will likely not do so because of an educational campaign alone. Simply passing this bill will have a positive effect on seat belt usage rates/.

Other factors to consider:

- States that have implemented a primary belt law have seen an increase in seat belt usage of 10-12 percentage points EVEN WITHOUT ANY ENFORCEMENT EFFORTS. That being said, North Dakota could see an increase in belt usage to somewhere in the 90% range - saving lives and saving money.
- Living in Grand Forks and with that being a border community to Minnesota, I often hear people who say, "I buckle up when I cross the bridge into Minnesota" or "I set my cruise control when I get into that state because I don't want to get caught". Legislation works at changing our culture and our behaviors.
- Minnesota passed a primary belt law in 2009 and saw an increase in observed seat belt use from a baseline of 86.7 percent in 2008 to a peak of 94.8 percent in 2013. Also, the percent of unbelted motor vehicle crash fatalities in MN decreased nearly 16 percent from a baseline of 46.2 percent in 2008 to a low of 30.3 percent in 2016. An evaluation of the impact of the MN law change was conducted by the University of Minnesota in 2014. The study estimated the following:
 - o There have been 132 fewer fatalities from motor vehicle crashes, 434 fewer serious injuries, and 1270 fewer moderate injuries since the PBL went into effect.
 - o This translated into at least \$67 million in avoided hospital charges which includes direct charges of nearly \$16 million or more Minnesota tax dollars that would have been billed to Medicare, Medicaid and other government insurers.
 - o These successes seen in our neighboring Minnesota are replicated across the country by other states that have made the move to a primary seat belt bill. We know this works and we need your help to make it happen.
- Motor vehicle crashes are the leading cause of death for people under age 35 in our state. We need to address this as a public health issue and the solution to this is simple and does not cost a thing. . . . wearing seat belts saves lives. We can make an impact in the lives of children, teens and adults by implementing this legislation.

- Those that oppose seat belt use often say that “it only affects me if I decide to not wear a belt”. That answer is selfish and untrue. As tax paying citizens, we all bear the cost of those decisions in tax money. I also urge you to listen to our first responders and law enforcement officers who speak of the horrific impact it has on them to respond to the scene of a crash with people injured and killed. I will allow those wearing the uniform to speak to that personally, but I challenge you that “it only affects me” could not be further from the truth if you listen to their real-life stories.

Here is what is projected as it relates to North Dakota passing a primary law:

PRIMARY SEAT BELT LAWS:

- In recent years, NHTSA estimates that if North Dakota were to pass a primary belt law, seat belt usage could increase by approximately 7 percentage points (some states have seen 10-12% increases).
- With a primary law, North Dakota could save approximately 7 lives, 61 serious injuries, and \$18 million in costs each year. (Based on a 6.9 percentage point increase from the 2016 seat belt use rate.)

Driving a motor vehicle is a privilege, not a right and with that privilege comes some expectations. Just as we are expected to use a turn signal when we change lanes or turn a corner, we stop at a red light or we register our cars with the DOT, using a seatbelt is already a law. Our law enforcement officers should be given the ability to enforce that law just as any other one. While they are not looking for a reason to “write tickets”, they are advocating for and using strategies that will prevent injuries and deaths on our roadways, a task assigned to them by our state.

Governor Burgum has been bold in his announcement of the North Dakota Vision Zero Plan that was launched three years ago. He and the DOT know that this law can and will make a difference to the citizens of our state. 61% of North Dakotas favor a primary belt law and we are asking for your support of SB 2121 to provide that provision in our state law.

I thank you for allowing me to testify today in support of SB 2121 and I would entertain any questions you may have.

Contact information:

Carma Hanson, MS, RN
Coordinator – Safe Kids Grand Forks
701.739.1591
chanson@altru.org

Chairman Rust and Members of the Senate Transportation Committee,

My name is Terry Weaver and I am the Traffic Safety Program Manager for the North Dakota Safety Council (NDSC), a non-profit organization that is dedicated to preventing injuries and saving lives. Thank you for the opportunity to express the NDSC's support for Senate Bill 2121.

Currently, North Dakota's seat belt use rate is 83.7% (NDDOT/NDSU UGPTI, 2020). This means about 16% - or approximately 122,000 North Dakotans – remain extremely vulnerable to the consequences of a crash. This 16% is contributing to about half of North Dakota crash deaths annually. While some individuals consider seat belt use to be a personal choice that only affects them, it's a choice that affects nearly everyone - including North Dakota taxpayers. In the U.S., those who are *not directly involved in crashes* pay for nearly three-quarters of all crash costs. Lives are lost when seat belts are not used!

In 2020 (64%) of motor vehicle fatalities were unbelted.

- 53% of unbelted fatalities were partially or totally ejected.
- 77% of single vehicle rollover fatalities were not wearing their seat belt
- 81% of those unbelted rollover fatalities were either partially or totally ejected.

The NDSC urges you to pass SB2121 because SEAT BELTS SAVE LIVES. A primary belt law (PBL) is an evidence-based strategy to move North Dakota toward zero motor vehicle crash deaths. It is a solution that comes at no cost to the state or residence and would increase usage without increasing enforcement. States that transitioned to a PBL have experienced a 10-12% increase in their observed seat belt use.

Together, we can save lives and work toward making North Dakota the safest state in the nation. The next step we can make toward this goal is to increase seat belt use rates in North Dakota.

I appreciate the opportunity to express support for this important measure and urge a "Do Pass" recommendation by the committee. Thank you.

Sincerely,



Terry Weaver
Traffic Safety Program Manager
North Dakota Safety Council

We are dedicated to preventing injuries and saving lives.

PHONE: (701) 223-6372 • TOLL FREE: (800) 932-8890 • WEBSITE: www.ndsc.org
ADDRESS: 1710 Canary Avenue, Suite A • Bismarck, ND 58501



Seatbelts in North Dakota

North Dakota lacks a primary seatbelt law for all seats and all individuals. By adopting such a policy, many lives in North Dakota would be saved:

- 82.5% percent of North Dakotans wear seatbelts all the time – this is 7 percentage points less than the national average. States with a primary seatbelt law see more of their citizens wearing seatbelts all the time.
(<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812763>)
- 61% of occupants who died in passenger vehicles crashes in ND were unbelted. (this is much higher than the national average of 47%)
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691>
- Research has found that lap/shoulder seat belts, when used, reduce the risk of fatal injury to front-seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent.
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691>
- In 2017 alone, seat belts saved an estimated 14,995 lives, including 44 people in North Dakota. If all North Dakotans wore seatbelts, an additional 18 lives could be saved.
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812683>
- Wearing seatbelts saves money. One study looking at hospital costs found that there was an 84 percent decrease in costs when an injured occupant was wearing a lap shoulder belt versus being unbelted. <https://www.ncbi.nlm.nih.gov/pubmed/27177737>
- At 2010 usage rates, the deaths and injuries that result from nonuse of seatbelts was estimated to cost society an estimated \$10 billion annually in medical care, lost productivity, and other injury related costs.
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>
- From Injury Facts: The total economic cost of fatal and nonfatal motor vehicle injury-related incidents in 2018 was \$445.6 billion. This includes employer's uninsured costs, vehicle damage, wage and productivity loss, and medical and administrative expenses.
<https://injuryfacts.nsc.org/all-injuries/costs/societal-costs/data-details/>
 - MV crashes costs ND \$706 million in 2010, which is \$1,049 per person.
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>

#687

Written Testimony on SB2121 Seat Belt Law

Senate Transportation Committee,

In 2020 the state recorded 97 traffic fatalities of which 64 percent failed to buckle up. This is the results of choice and maybe just maybe we could have saved a life or more with a primary seat belt law. I am thankful that none of these fatalities were not a relative, friend or family member. "Yet" I am saddened for those who lost their loved ones and for the officer who had to make the call to the family of those who lost their lives. Let us together make a difference for the future of safety on our roadways and help decrease traffic fatalities even more than we have been over the past few years by supporting SB2121!

Thank you, Senators, for your service to our state and its people!

Seat Belts save lives!

Daryl Dukart



#839

January 5, 2021

Senator David Clemens
State Capitol
600 E. Boulevard Ave.
Bismarck, ND 58505

AAA-The Auto Club Group
4950 13th Ave. S., Ste. 15
Fargo, ND 58103-7268

(701) 893-3759
eladoucer@acg.aaa.com

Chairman Clemens and Members of the Senate Transportation Committee,

On behalf of AAA – The Auto Club Group and our 69,000 members in North Dakota I'm writing to express support for SB 2121, which would allow primary enforcement of the state's seat belt law.

There is no disputing the effectiveness of seat belts. Even those who don't routinely wear them admit they would buckle up if they knew they would be involved in a crash. And when it comes to motor vehicle crashes, teens are greatly overrepresented and would benefit significantly from this legislation.

As you know, North Dakota currently has a primary seat belt law for teens under the age of 18. It has been rendered largely ineffective, however, by the secondary nature of the offense for those 18 years of age and older. Law enforcement officers simply do not know how old a driver is when encountering them in traffic. Knowing this teens are undeterred and have become the age group least likely to buckle up.

That issue can be solved with sound evidence-based policy, which includes allowing for primary enforcement of the law for all ages. It may also help parents enforce household rules. According to an NDSU study, more than 99 percent of parents expect their teens to wear a seat belt at all times. Yet, several studies and a review of the data paint a different picture. As a result, young lives are being cut short or significantly altered due to serious injuries.

Motor vehicle crashes are the leading cause of injury-related death for North Dakota teens, according to the Centers for Disease Control and Prevention. Teen driver inexperience, coupled with immaturity, often results in risk-taking behaviors such as speeding, alcohol use, and not buckling up – all of which contribute to an increased death rate.

Through education, enforcement and sound policy, we can increase seat belt use in North Dakota and reduce the unnecessary loss of life and the personal and economic toll traffic crashes have on everyone. Stemming the tide of crash fatalities and serious injuries starts with embracing a culture of safety. And for each of us that begins before even putting the vehicle in gear -- by buckling up. It is a life-saving habit best established at a young age and continued through adulthood.

Mr. Chairman, I appreciate the opportunity to express support for this important measure and urge a "Do Pass" recommendation by the committee.

Sincerely,

A handwritten signature in black ink that reads "Gene LaDoucer".

Gene LaDoucer
Public Affairs Director

AAA-The Auto Club Group (ACG) is a membership based, non-profit corporation operating in fourteen states and two US Territories. It is one of the largest American Automobile Association (AAA) clubs in the United States with approximately 14 million members. ACG provides travel, insurance, automotive, and financial services to its members. In North Dakota, AAA – The Auto Club Group serves more than 69,000 members and works to represent the interests of members and the traveling public in the state legislature.

#845

North Dakota Department of Transportation
Testimony Subject Matter Expert

Available for questions only.

Name: Dr. Kimberly Vachal

HB or SB Bill #: SB 2121

Email: kimberly.vachal@ndsu.edu

Phone #: (701) 231-6425



#857

**National Safety Council
The North Dakota Senate Transportation Committee
Testimony in Support of SB 2121
January 15, 2020**

The National Safety Council (NSC) respectfully asks you to support SB 2121, legislation that will require all motor vehicle occupants to wear seat belts.

NSC is America's leading nonprofit safety advocate and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to keep people safer in the workplace and beyond so they can live their fullest lives. NSC has more than 15,000 member companies represent employees at more than 50,000 U.S. worksites, including 240 in North Dakota. NSC also has a Chapter– the North Dakota Safety Council – located in Bismarck.

SB 2121 expands the required use of seat belts to include all passengers in front and rear seats of all motor vehicles. Properly wearing seat belts in all seating positions reduces the risk of serious death and injury in a motor vehicle crash by about half.ⁱ

In 2019, 100 people lost their lives in North Dakotans in motor vehicle incidents.ⁱⁱ Insufficient seat belt use is responsible for too many of these fatalities. In 2017 alone, seat belts saved an estimated 14,955 lives nationally, including 44 people in North Dakota.ⁱⁱⁱ If all North Dakotans were properly restrained, an additional 18 lives could be saved.^{iv} Additionally 61% of unrestrained occupants in passenger motor vehicle crashes were killed in 2017 in North Dakota.^v The dangers of not wearing a seat belt in the rear seat are especially high. Nationally, 57% of all rear seat crash fatalities are unbelted.^{vi}

Lives are lost when seat belts are not used, and taxpayer dollars are lost as well. The National Highway Traffic Safety Administration (NHTSA) found that medical bills for unbelted crash victims are 55% higher than belted victims. Society bears the cost of an estimated \$10 billion annually from lack of seat belt use through increased taxes, insurance premiums and health care costs, lost productivity and other injury-related costs.^{vii}

NSC strongly urges you to support SB 2121. Moving this bill forward would be a strong signal that North Dakota prioritizes the safety of all its road users.

If you have any questions and Tara Leystra Ackerman, NSC State Government Affairs Manager at tara.leystra@nsc.org or 202-445-3121.

ⁱ <https://www.cdc.gov/motorvehiclesafety/seatbelts/facts.html>

ⁱⁱ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813060>

ⁱⁱⁱ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812683>

^{iv} Ibid

^v <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691>

^{vi} <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812369.pdf>

^{vii} <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>

GM Testimony on Primary Seat Belt Law

Mr. Chairman and members of the committee. Good morning, my name is Don Larson, and I am submitting this testimony on behalf of General Motors. I would like to offer support for SB 2121, the Primary Seat Belt bill.

General Motors has a strong commitment to safety that reaches all parts of the company, impacting everything from the development of our vehicles to the work behaviors of our employees. Ultimately, the safety of our customers and employees takes precedence over everything else.

GM's CEO, Mary Barra, has outlined the company's vision of a world with zero crashes, zero emissions and zero congestion. We are working on the technologies that will create this future, blending global insights with local market expertise as the automotive industry transforms from traditional manufacturing to transportation services. Safety, however, remains at the core of this vision.

It is for this reason that we support efforts for a primary seat belt enforcement law in North Dakota. The seat belt is the primary safety device in a motor vehicle. It protects both the driver and passengers in the event of a collision. While we continue to develop advanced driver assist technologies to keep our customers safe, the seat belt remains the most effective tool in preventing injuries and saving lives in the event of an accident.

While we respect the opinions of those who may consider the use of a seat belt an infringement that should be a personal choice – we believe there is too much at stake to not recognize the importance of using the primary safety device installed in each vehicle.

Mr. Chairman and members of the committee, thank you for your time and consideration of this very important legislation.



Statement of

National Transportation Safety Board

Before the

Committee on Transportation
North Dakota Senate

— *On* —

Senate Bill 2121
Primary Safety Belt Enforcement

Bismarck, ND • January 15, 2021



An Independent Federal Agency

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, and pipeline. We determine the probable cause of each accident we investigate and make safety recommendations aimed at preventing future accidents and crashes. The recommendations that arise from our investigations and safety studies are our most important product.

Motor vehicle crashes are responsible for more deaths than crashes in all other transportation modes combined, accounting for more than 90 percent of all transportation-related deaths every year. Research has consistently shown that seat belts effectively reduce the risk of serious injury in the event of an accident, especially when used by all vehicle occupants in all seating positions, yet seat belts aren't used as often as they should be. In addition to injuries and fatalities, failure to use seat belts can result in significant economic cost. Primary enforcement of seat belt laws has been proven to increase seat belt use and save lives.

Seat Belts are Effective

The benefits of safety belt use are significant and well documented. The National Highway Traffic Safety Administration (NHTSA) has estimated that lap/shoulder belts reduce the risk of fatal injury to front seat occupants of passenger cars by 45 percent, and reduce the risk of moderate to severe injuries by 50 percent. The numbers for light truck occupants are even higher.¹

Seat belts are the best defense against motor vehicle injuries and fatalities because they protect vehicle occupants from the extreme forces experienced during crashes. Unbelted vehicle occupants frequently injure other occupants during a crash, and unbelted drivers are less likely than belted drivers to be able to control their vehicles. Further, rear seat passengers are three times more likely to die in a crash if they are unbelted.² In addition, seat belts prevent occupant ejections. In 2018, only 1 percent of vehicle occupants using seat belts were ejected, while 27 percent of unrestrained vehicle occupants were ejected. Among those occupants completely ejected from their passenger vehicles, 82 percent died.³

In fact, our most recent seat belt recommendation to the states resulted from our investigation of a 2014 crash in Davis, Oklahoma, in which four college athletes were killed when they were ejected from the medium-size bus in which they were riding. None of the passengers was wearing a seat belt. Our investigation concluded that the bus passengers' lack of restraint use contributed to the severity of the injuries. Our recommendation asks states to mandate the use of seat belts on all vehicles equipped with them, including intercity motorcoaches and other passenger vehicles.⁴

¹ NHTSA National Center for Statistics and Analysis. *Occupant Protection in Passenger Vehicles: 2018 Data*. Traffic Safety Facts. Report No. DOT HS 812 967. Washington, DC: NHTSA, June 2020, p. 4.

² Governor's Highway Safety Association. "Unbuckled in Back: An Overlooked Issue in Occupant Protection." November 2015.

³ NHTSA *Occupant Protection in Passenger Vehicles: 2018 Data*, p. 8.

⁴ NTSB. *Truck-Tractor Semitrailer Median Crossover Collision With Medium-Size Bus on Interstate 35, Davis, Oklahoma, September 26, 2014*. NTSB/HAR-15/03. Washington, DC: NTSB, 2015. (See Safety Recommendation H-15-42.)

NHTSA estimates that seat belts saved the lives of nearly 15,000 motor vehicle occupants age 5 and older in 2018, nationwide. Further, had all passenger vehicle occupants age 5 and older used seat belts in 2018, more than 2,500 additional lives could have been saved. From 1975 through 2018, seat belts saved almost 375,000 lives nationwide.⁵ In North Dakota, 44 lives were saved by seat belts in 2017, and another 18 could have been saved if all vehicle occupants had worn their belt.⁶

Seat Belt Use is Too Low

Unfortunately, seat belt use in the United States remains lower than in other industrialized nations, which have usage rates well over 90 percent. In 2018, daytime, front seat, seat belt use in the United States was 89.6 percent; however, in North Dakota, only 82.5 percent of vehicle occupants used a seat belt. Only four states had lower use rates.⁷

In 2018, only 74 percent of all occupants involved in fatal crashes were belted. Among those who were fatally injured, only 53 percent were known to be restrained.⁸ On the other hand, 87 percent of motor vehicle crash survivors that same year were restrained.⁹

Drivers who choose not to buckle up tend to exhibit multiple high-risk behaviors and are more frequently involved in crashes. According to the National Automotive Sampling System (crash data composed of representative, randomly selected cases from police reports), belt use among motorists is lowest in the most severe crashes.¹⁰ Fatal crashes are the most violent motor vehicle crashes and often result from high-risk behaviors, such as speeding and impaired driving.

Seat belt use is also substantially lower than the national observed belt use rate among special populations, such as impaired drivers and teen drivers. In 2017, 64 percent of fatally injured drivers, for which restraint use was known, who were driving while impaired were not using seat belts.¹¹ During that same year, 58 percent of fatally injured teen drivers who had been drinking were not restrained.¹²

Primary Enforcement Seat Belt Laws Do Increase Seat Belt Use

Although 49 states require motor vehicle occupants to use seat belts, 15 states—including North Dakota—allow only secondary enforcement of their seat belt laws, meaning that police officers cannot issue a citation for a seat belt violation unless the vehicle has been stopped for

⁵ NHTSA *Occupant Protection in Passenger Vehicles: 2018 Data*, p. 6.

⁶ NHTSA National Center for Statistics and Analysis. *Lives Saved in 2017 by Restraint Use and Minimum-Drinking-Age Laws*. Traffic Safety Facts CrashStats. Report No. DOT HS 812 763. Washington, DC: NHTSA, 2019.

⁷ NHTSA National Center for Statistics and Analysis. *Seat Belt Use in 2018—Use Rates in the States and Territories*. Traffic Safety Facts CrashStats. Report No. DOT HS 812 947. Washington, DC: NHTSA, 2020.

⁸ NHTSA *Occupant Protection in Passenger Vehicles: 2018 Data*, p. 7.

⁹ NHTSA National Center for Statistics and Analysis. *Occupant Protection in Passenger Vehicles: 2018 Data*, p. 7.

¹⁰ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/810948>

¹¹ NHTSA National Center for Statistics and Analysis. *Alcohol-Impaired Driving: 2017 Data*. Traffic Safety Facts Report No. DOT HS 812 630. Washington, DC: NHTSA, 2018.

¹² NHTSA National Center for Statistics and Analysis. *Young Drivers: 2017 Data*. Traffic Safety Facts Report No. DOT HS 812 753. Washington, DC: NHTSA, 2019.

another reason. With primary enforcement, police officers execute a traffic stop and cite unbelted vehicle occupants without needing another reason for making the stop. According to the 2019 National Occupant Protection Use Survey (NOPUS), average seat belt use was 92 percent in states authorizing primary enforcement, compared to 86.2 percent in states authorizing only secondary enforcement.¹³ States that have enacted primary enforcement seat belt laws historically have seen seat belt use rates increase between 5 and 18 percentage points.¹⁴ This increased use is based on drivers' realization that they may be stopped for violating the seat belt law.

Primary enforcement of seat belt use laws has also been associated with a reduction in fatalities. A 2004 study examining 10 states that moved from secondary to primary enforcement of seat belt use laws concluded that the change resulted in a 7-percent reduction in fatalities.¹⁵ Likewise, an analysis of six states that changed from secondary enforcement to primary enforcement between 2000 and 2004 found that in all six states, the change from a secondary to a primary law produced a substantial and highly statistically significant increase in the proportion of front-seat passenger vehicle occupant fatalities who were wearing seat belts.¹⁶

Primary enforcement seat belt laws remain the best way to raise and maintain seat belt use rates. Numerous scientific publications and the US Guide to Community Preventive Services' systematic review of all available scientific literature show that primary enforcement seat belt laws increase seat belt usage, and with increased usage comes fewer injuries and fatalities.¹⁷

Economic Costs from the Failure to Use Seat Belts are Significant

Although opponents to strong seat belt laws claim that nonuse is a personal choice and affects only the individual, the fact is that motor vehicle injuries and fatalities have a significant societal cost. NHTSA calculated that the lifetime cost to society for each motor vehicle fatality is about \$1.4 million. More than 80 percent of these costs are attributed to lost workplace and household productivity.¹⁷

Although the affected individual covers some of these costs, those not directly involved in crashes pay for more than three-quarters of all crash costs, primarily through insurance premiums, taxes, and travel delay. In 2010, the costs borne by society rather than the crash victims totaled more than \$187 billion; approximately 7 percent of total economic costs were borne by public sources (federal and state government).¹⁸ Motor vehicle injuries and deaths experienced by

¹³ NHTSA National Center for Statistics and Analysis. *Seat Belt Use in 2019—Overall Results*. Traffic Safety Facts Research Note. Report No. DOT HS 812 875. Washington, DC: NHTSA, December 2019.

¹⁴ Centers for Disease Control and Prevention. *Motor Vehicle Safety*. Primary Enforcement of Seat Belt Laws. Washington, DC: CDC, 2015.

¹⁵ <https://www.nhtsa.gov/staticfiles/nti/pdf/811524.pdf>

¹⁶ Hedlund J, Gilbert SH, Ledingham K, and Preusser, D. *How States Achieve High Seat Belt Use Rates*. Report No. DOT HS 810 962. Washington, DC: NHTSA, p. 38.

¹⁷ Dinh-Zarr TB, Sleet DA, Shults RA, et al. Task Force on Community Preventive Services Reviews of Evidence Regarding Interventions to Increase Use of Safety Belts. *Am J Prevent Med*, vol. 21, no. 4S, pp. 48–65.

¹⁷ Blincoe LJ, Miller TR, Zaloshnja E, and Lawrence BA. 2015. *The Economic and Societal Impact of Motor Vehicle Crashes, 2010*. (Revised) Report No. DOT HS 812 013. Washington, DC: NHTSA.

¹⁸ NHTSA. *The Economic and Societal Impact of Motor Vehicle Crashes*, p. 2

unbelted crash vehicle occupants cost an estimated \$10 billion just for medical care, lost productivity, and other injury related costs.¹⁹

NHTSA also estimates that each critically injured survivor of a motor vehicle crash costs an average of \$1 million. Medical expenses and lost productivity account for 82 percent of the cost of the most serious level of nonfatal injury.²⁰ In a 1996 study,²¹ NHTSA found that the average inpatient cost for unbelted crash victims was 55 percent higher than for belted crash victims. In 2000 alone, seat belts might have prevented more than 142,000 injuries.

Conclusion

It is clear that seat belts save lives and reduce the risk of serious injury in the event of a crash. However, state laws still fall short of protecting all vehicle occupants in all vehicles equipped with seat belts. A comprehensive primary enforcement seat belt law should cover all vehicle occupants in all seating positions, in all vehicles, and include sufficient penalties to promote compliance with the law. By allowing police officers to stop vehicles directly for seat belt violations, North Dakota would show that it takes seat belt use very seriously.

For five decades, the NTSB has advocated for legislation requiring seat belt use in passenger vehicles. We have investigated many crashes where seat belts would have saved lives or prevented serious injuries. Since 1995, we have recommended that every state enact a primary seat belt law covering every seating position in a vehicle. Based on scientific studies and our own highway crash investigations, we are confident that a significant number of lives will be saved, and injuries prevented, if North Dakota authorizes primary enforcement of its existing seat belt use law.

Thank you again for providing us an opportunity to testify on this important issue.

¹⁹ *Ibid*, p. 3.

²⁰ *Ibid*, p.1.

²¹ Crash Outcome Data Evaluation System (CODES) Project Seat Belt and Helmet Analysis, Research Note (Revised). National Center for Statistics and Analysis. Washington, DC: NHTSA, February 15, 1996.

#872



2021 SB 2121
Senate Transportation Committee
Senator Clemens, Chairman
January 15, 2021

Chairman Clemens and members of the Senate Transportation Committee, I am Tim Blasl, President of the North Dakota Hospital Association (NDHA). I am here to testify in support of Senate Bill 2121. I ask that you give this bill a **Do Pass** recommendation.

Hospitals are here today in support of this bill because we know that increasing seat belt use is critical to reducing injury and saving lives. According to data from the Centers for Disease Control and Prevention (CDC), most drivers and passengers killed in vehicle crashes are unrestrained. Here are some other important points:

- Among drivers and front-seat passengers, seat belts reduce the risk of death by 45%, and cut the risk of serious injury by 50%.
- Seat belts prevent drivers and passengers from being ejected during a crash. People not wearing a seat belt are 30 times more likely to be ejected from a vehicle during a crash. More than 3 out of 4 people who are ejected during a crash die from their injuries.
- Seat belts save thousands of lives each year. Seat belts saved almost 13,000 lives in 2009. If all drivers and passengers had worn seat belts that year, almost 4,000 more people would be alive today.
- 53% of drivers and passengers killed in car crashes in 2009 were not wearing restraints.

Laws requiring seat belt use are either “primary” or “secondary” enforcement laws. Primary enforcement laws allow police officers to pull over drivers and issue tickets just because the drivers—or their passengers— aren’t wearing seat belts. Secondary enforcement laws, such as our current law, only allow police officers to issue tickets for seat belt violations if drivers have been pulled over for some other offense. Secondary enforcement significantly limits the ability to enforce seat belt laws. Rates of seat belt use are 9 percentage points higher in primary enforcement states than secondary states. If the overall prevalence of seat belt use in states with secondary enforcement laws had matched the higher prevalence in states with primary laws, an additional 7.3 million adults would have buckled up in 2008. A primary enforcement seat belt law covering all passengers will increase seat belt use and save lives.

For these important reasons, I urge you to give this bill a Do Pass recommendation. Thank you.

Respectfully Submitted,

Tim Blasl, President, North Dakota Hospital Association

#876

**Testimony to the Senate Transportation Committee on SB 2121
January 15, 2021
Testimony by Mary Korsmo
North Dakota Association of City & County Health Officials
(NDSACCHO)**

Good morning, Chairman Clemens and members of the Senate Transportation Committee. My name is Mary Korsmo and I am the Executive Director for the North Dakota Association of City & County Health Officials. On behalf of all 28 local public health units which I represent, we support SB 2121.

Motor vehicle crashes are the leading cause of injury-related death in North Dakota (Centers for Disease Control and Prevention). The ND Department of Transportation reports that more people die in motor vehicle crashes in North Dakota from being unbelted than from other common contributing crash factors. According to the National Highway Traffic Safety Administration, seat belts among drivers and front-seat passengers reduce the risk of death and serious injury by 45 and 50 percent respectively. Unbelted motor vehicle crash deaths are preventable.

Proven data shows that seat belts save lives and money, yet it costs nothing to implement. A primary belt law will decrease motor vehicle crash deaths in North Dakota; your favorable consideration of SB 2121 is requested.

Thank you for the opportunity to provide this testimony. I'm happy to answer any questions or provide additional information as requested. Please feel free to contact me at 701.471.2264 or mary.korsmo@ndaco.org.

#883

Ladies and Gentlemen of the State Government,

Thank you for considering my testimony. I am a former police officer and safety professional. I served as a police officer for the City of Grand Forks from 2004-2009, and the City of West Fargo from 2009-2013. I served those communities as a Field Training Officer and as a Drug Recognition Expert. Additionally I worked as a Safety Professional outside of law enforcement for another 4 years, including as a Defensive Driver instructor for the North Dakota Safety Council from 2017-2019. With these experiences I completely understand the importance of wearing a seat belt when traveling in a vehicle. However, I can not support SB 2121.

Changing seatbelt violations from a secondary to a primary offense with an increased fine under the guise of public safety does not guarantee that a single life will be saved. However, it nearly certainly ensures that law enforcement officers will arbitrarily interrupt the lives of the citizens and visitors of North Dakota despite having no evidence that a fine or citation will do anything to prevent fatalities. Making this change in the name of public safety is speculative at best. North Dakota's own statistics show that we have already been in a several year downward trend for traffic fatalities with a large push to get to zero by the Vision Zero campaign. While this is a noble and noteworthy cause I believe this particular bill is misguided.

Firstly, yes, nearly half of all traffic related fatalities in North Dakota were reported to not be wearing a seatbelt. But according to North Dakota Department of Transportation's 2019 data 42% of traffic fatalities were alcohol related (which is higher than the national average of 28%) with another 24% listed as being speed related . For years North Dakota has ranked in the top 5-10 states in the country for alcohol related traffic fatalities, and our fine schedule for speeding violations are often found to be laughable when compared to other states. I know from personal experience the lackadaisical attitude and laid back manner in which impaired driving is accepted as a social norm as well as how the criminal justice system apathetically treats DUI violations. I firmly believe that everyone's time and taxpayer money would be better spent in educational efforts surrounding impaired driving, and in the increased prosecution of impaired driving offenses to effectively reduce traffic fatalities on North Dakota roads.

Secondly, as a citizen I find it unnecessary and impractical to grant law enforcement another reason to justifiably interfere with and penalize the public. The Fourth Amendment of the United States Constitution exists to safeguard the American people against unreasonable seizures from its government. However, when done under the guise of public safety the government seemingly can and will pass legislative measures that actively increase their ability to perform these types of seizures. Granting law enforcement the ability to strong arm a citizen into compliance does more to further the state's ability to interfere with its citizens than it does for increasing public safety and decreasing fatalities.

Thirdly, the logic behind the legislation seems to be flawed. As a safety professional I sometimes had to perform a Root Cause Analysis investigation to find out what the root behavior was for safety violations. In this case the state seems to be saying that not wearing seatbelts is the causation of the fatality, or at least that wearing a seatbelt will prevent a fatality,

when really the causation of the fatality was likely the driving behavior that led to the crash or collision. It would be far more likely that driving behavior such as distracted driving, impaired driving or speed related issues would be the actual cause of the fatality and the seatbelt issue would be correlative at best. It would seem that addressing the actual causes of the crashes would be a more effective means of preventing fatalities.

Pursuing the goal of zero fatalities on North Dakota roads is admirable. Attempting to get to zero fatalities through increased fines, traffic stops and government intimidation is asinine. Our collective resources would be better spent on other endeavors in the pursuit of zero.

Respectfully,

Skyler Dutton

#884

Scott Hennen
Flag Family Media
Testimony - SB 2121
01/13/2021

This will be the only testimony you'll ever hear from this radio talk show host in this session. I'm not sure I've ever done this before other than one time for the broadcaster's association. But I do feel very strongly about the topic of seatbelt use and specifically a change in the law to a primary law. I also have a great deal of appreciation for the work all of the legislators do and I wanted them to be aware that this is something I plan to talk a great deal about on the radio and engage our listeners especially those who disagree with this position and about this issue. Thanks for considering my position and please feel free to call or text me at any time at 701-367-2054. Good Bless and thank you for your service to our great state.

Testimony:

If you choose to use your freedom to NOT wear a seatbelt...go for it. It's America. And we have more of that than just about anywhere in the USA. But let's think a bit of how we use our freedom. It's a very personal choice. My plea is to ask you to consider your family and friends...they want to see you again. I'm advocating that we do what other states have done to reduce traffic deaths, but I'm also doing it for the troopers and deputies and cops that would much prefer to take on robbers and drug dealers than have to drive to your wife's doorsteps and inform them of your death...all because you chose to not wear a seatbelt I'm doing it for the first responders who have clean up our mess and rather than rushing you to the hospital to mend up are calling the funeral home. Truth is we already have a seat belt law like 50 other states. This just adds a deterrence and the ability to stop you for not wearing it. Which will never happen if you wear it...and just like you do on an airplane, that does not hurt you...it makes you safer in the event of an accident. Remember what Mom always said after you spilled some milk?... "accidents happen" That's a fact.

So, when I look into the eyes of our precious folks on that thin blue line every day and they tell me how much of a difference this small change would mean in bringing us closer to ZERO traffic deaths...that's a vision I can happily follow. Do it for them and everyone who loves you.

That's all for now. Keep up the fight!!

2021 HOUSE TRANSPORTATION

SB 2121

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2121
3/18/2021

A bill relating to safety belt usage; relating to secondary enforcement of safety belt requirements; and to provide a penalty.
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9:57 AM **Chairman Ruby** opened the hearing.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	P
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Seatbelts laws
- Death prevention
- Safety
- Secondary offense vs. primary offense
- Front and backseat enforcement

Senator Brad Bekkedahl introduction # 9927.

Ryan Gellner, ND Association of Counties, Vision Zero, supportive testimony #9749.

Karin Mongeon, Safety Division Director for ND Department of Transportation, supportive testimony #10031.

Christa Kovarik, ND Highway Patrol, supportive testimony #9630.

Carma Hanson, Coordinator of Safe Kids Grand Forks, supportive testimony #9861.

Andy Schnieder, Sheriff of Grand Forks County, supportive testimony #9816.

John Finstad supportive testimony #10001, 10000, and 10056.

Janelle Moos, AARP, Associate Advocate Director of ND, supportive testimony #9269.

Karolin Jappe, McKenzie County Emergency Management, supportive testimony #9945.

Matt Gardner, ND Motor Carrier Association, supportive testimony #9906.

Director William Panos, North Dakota Department of Transportation, oral supportive testimony.

Mary Waldo, ND State Trauma System Coordinator for North Dakota Department of Health, supportive testimony #9886.

Dawn Mayer, Child Passenger Safety Program Director for North Dakota Department of Health, supportive testimony #9873.

Adam Johnston, President of ND Emergency Nurse's Association, supportive testimony #9914.

Tom Wheeler, Ray, ND, oppositional testimony #10060.

12:19 PM **Chairman Ruby** closed the hearing.

Representative Hagert moved a Do Pass.
Representative Hager seconded.

Roll Call Vote

Representatives	Vote
Representative Dan Ruby	N
Representative Tom Kading	N
Representative Rick Becker	N
Representative Cole Christensen	N
Representative LaurieBeth Hager	Y
Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	N
Representative Emily O'Brien	Y
Representative Mark S. Owens	Y
Representative Bob Paulson	N
Representative Gary Paur	N
Representative Robin Weisz	A
Representative Greg Westlind	N

Motion Failed 5-8-1

Representative Becker moved a Do Not Pass.
Representative Jones seconded.

Roll Call Vote

Representatives	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	Y
Representative Cole Christensen	Y
Representative LaurieBeth Hager	N
Representative Jared C. Hagert	N
Representative Karla Rose Hanson	N
Representative Terry B. Jones	Y
Representative Emily O'Brien	N
Representative Mark S. Owens	N
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	A
Representative Greg Westlind	Y

Motion carried. 8-5-1 **Representative Paulson** carrier.

Additional written testimony:

Tim Blasl, President of ND Hospital Association	# 9943	Support
Mary Korsmo, Executive Director of NDSACCO	# 9933	Support
Terry Weaver, Traffic Safety Production Manager for North Dakota Safety Council	# 9879	Support
Mitchell Sanderson, Park River, ND	#9876	Support
Gene LaDoucer, AAA, The Auto Club Group	# 9874	Support
Daryl Dukart, Vision Zero	# 9790	Support
Don Larson, General Motors Consultant	# 9695	Support
Steve Blackistone, National Transportation Safety Board	#9645	Support
Steve Schneider, VP State Affairs for American Property Casualty Insurance Association	# 9391	Support
Gordon Greenstein	#10051	Opposition
Craig Argabright, Minot, ND	# 9532	Opposition

12:32 PM Adjourned.

Jeanette Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2121, as engrossed: Transportation Committee (Rep. D. Ruby, Chairman)
recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2121 was placed on the Fourteenth order on the calendar.

HOUSE TRANSPORTATION COMMITTEE

Honorable Rep. Dan Ruby, Chairman

SB 2121 Testimony

March 18, 2021

Chairman Ruby and Committee,

My name is Brad Bekkedahl and I am from Williston and represent District 1 in the Senate. The bill before you to today is being introduced by myself on behalf of the coalition representing the Vision Zero campaign. I am honored to work with them to help save the lives of our family, friends, and fellow citizens. We all know that seatbelts save lives. Seatbelts are the single most effective safety device to prevent death and injury in a motor vehicle crash. The truth is, not wearing a seat belt is already against the law for front seat occupants and children required to be in approved safety seats. Yet, every 5 days an unbelted vehicle occupant is thrown from their vehicle in a crash in our state. And, nearly half of all motor vehicle fatalities were unbelted in 2019. Statistics prove that a stronger seat belt law in our state would save lives. North Dakota is one of only 15 state left in the country with a secondary enforcement seatbelt law.

Senate bill 2121 updates existing state law in two ways. First, it changes enforcement from a secondary offense to a primary offense. Second, it changes the requirement from front seat occupants to all occupants in the vehicle.

Data shows us that a primary seatbelt law is proven to work. Today we have an 83% observed seatbelt use rate in North Dakota. While improved over the last two decades, it is still one of the worst compliance rates in the nation. However, states that have transitioned to a primary seatbelt law have seen an immediate 10-12% increase in their observed usage rates, which could take North Dakota up to a nearly 95% compliance rate, and correspondingly reduce injuries and save lives!

The primary seatbelt law is not about law enforcement writing tickets, or even about officers pulling people over. It's about saving lives. According to National Highway Transportation Safety Administration data, having a primary seatbelt law would have saved 5 lives in North Dakota last year. Not a large number but if a significant number for those families that lost relatives last year if one of them could have been their family member. Not only will this bill save lives, but it is known that among drivers and front seat passengers, seat belts reduce the risk of death and serious injury by 45% and 50% respectively. And for people in front seats of SUV's, vans, and pickups, the use of seatbelts reduces the risk of a fatal injury by 60% and a moderate to critical injury by 65%.

The question before you today is "What's the value of this bill if it doesn't pass? Nothing! What's the value of this bill if it does pass? To the family planning a welcome home celebration for an accident survivor instead of planning a funeral? Priceless!

Chairman Ruby and Committee members, we must remember that driving is not a right, it is a privilege and it already has many regulations and requirements attached to that privilege. And with that privilege comes responsibility. Just as we have laws that require us to drive the speed limit, stop at stop signs, and use our turn signals, wearing a seatbelt to protect ourselves and others should be a part of our privilege to drive and ride in a vehicle. Please recommend a Do Pass on Senate bill 2121.

Testimony to the
House Transportation Committee
Prepared March 16, 2021
by Ryan Gellner, North Dakota Association of Counties

9749

Regarding: SB 2121

My Name is Ryan Gellner, representing the North Dakota Association of Counties.

The North Dakota Association of Counties Support SB 2121.

In North Dakota there are over eleven-thousand miles of county roads that counties are responsible for. Counties throughout North Dakota have taken the Vision Zero initiative seriously and are supportive of updating North Dakota's seatbelt law to primary enforcement.

North Dakota is one of the remaining 15 states that lack primary enforcement authority for the use of seatbelts in motor vehicles. A primary seatbelt Law will have an immediate and significant impact on reducing motor vehicle crash deaths and serious injuries in North Dakota.

Updating to a primary seatbelt law will increase seatbelt use among North Dakotans. Research from the National Highway Traffic Safety Administration (NHTSA) estimates that North Dakota will experience a 10-12 percent increase in observed seatbelt use and switching from a secondary law to a primary law will save an average of 5 lives every year in our state.

Not wearing seatbelts is the leading cause of death for North Dakotans ages 35 and under. Seatbelts are the number one contributing factor in motor vehicle crash deaths in North Dakota. More people die in motor vehicle crashes in North Dakota from being unbelted than any other common contributing crash factor.

Driving on public roads is a privilege, and not a right... therefor it can and should be regulated. Requiring seatbelt use is no more an infringement on your rights than requiring liability insurance, or being required to turn on your headlights, or stop at stop signs. Upgrading North Dakotas seatbelt law from secondary enforcement to primary enforcement won't create a new law. It will simply allow law enforcement officers to enforce a seatbelt law just like they do any other traffic law.

You have the power. The North Dakota Association of Counties is asking you to keep us safe on our roadways. More people die in motor vehicle crashes in our state from being unbelted than any other contributing crash factor including drunk driving, distracted driving, or speeding (NDDOT).

Thank you, Chairman Ruby and all the Transportation Committee members. Your work on protecting every North Dakota citizen riding in an automobile is greatly appreciated.

"If North Dakota had a primary seat belt law, more people would wear seat belts and there wouldn't be so many families living the nightmare of having to bury their loved ones."

Quote from Corey Nelson, brother of Kyle Nelson. Kyle was killed in a single-vehicle rollover in rural Geneseo, ND on November 13, 2014. He was not wearing a seatbelt, was ejected from, and pinned under the vehicle.

HOUSE TRANSPORTATION COMMITTEE
March 18, 2021, 9:45 AM

North Dakota Department of Transportation
Karin Mongeon, Safety Division Director
SB 2121

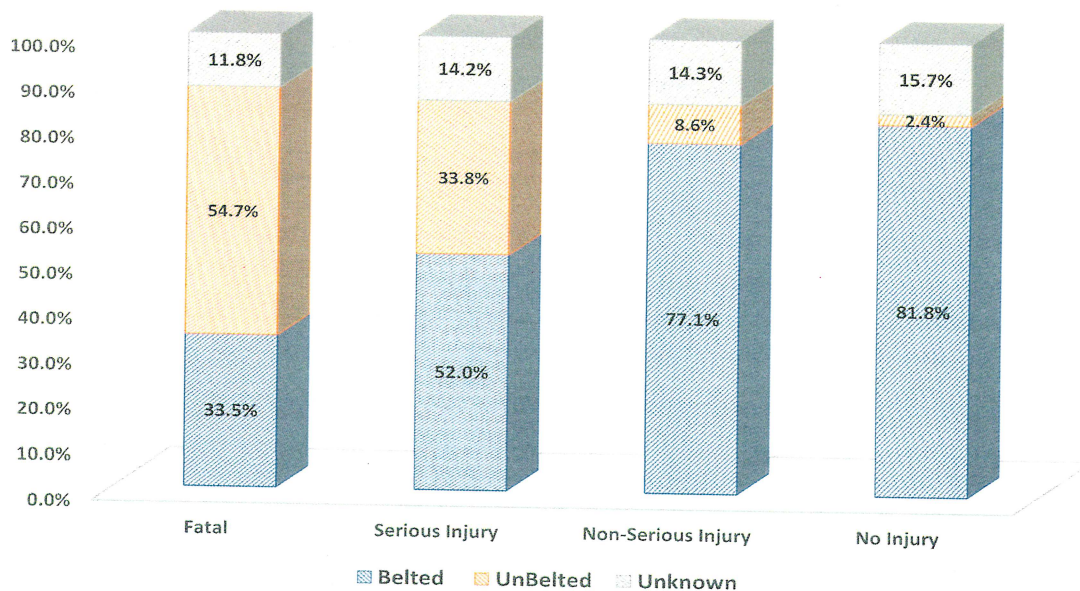
Good morning Chairman Ruby and members of the House Transportation Committee. My name is Karin Mongeon and I am the Safety Division Director for the North Dakota Department of Transportation (NDDOT). I am here this morning to provide information for SB 2121. Thank you for giving me the opportunity to address you today.

SB 2121 would repeal section 39-21-41.5 of the North Dakota Century Code relating to secondary enforcement of safety belt requirements.

Motor vehicle crashes are the leading cause of injury-related death in North Dakota. More people die in unbelted crashes in North Dakota than other contributing crash factors including impaired driving, distracted driving, or speeding.

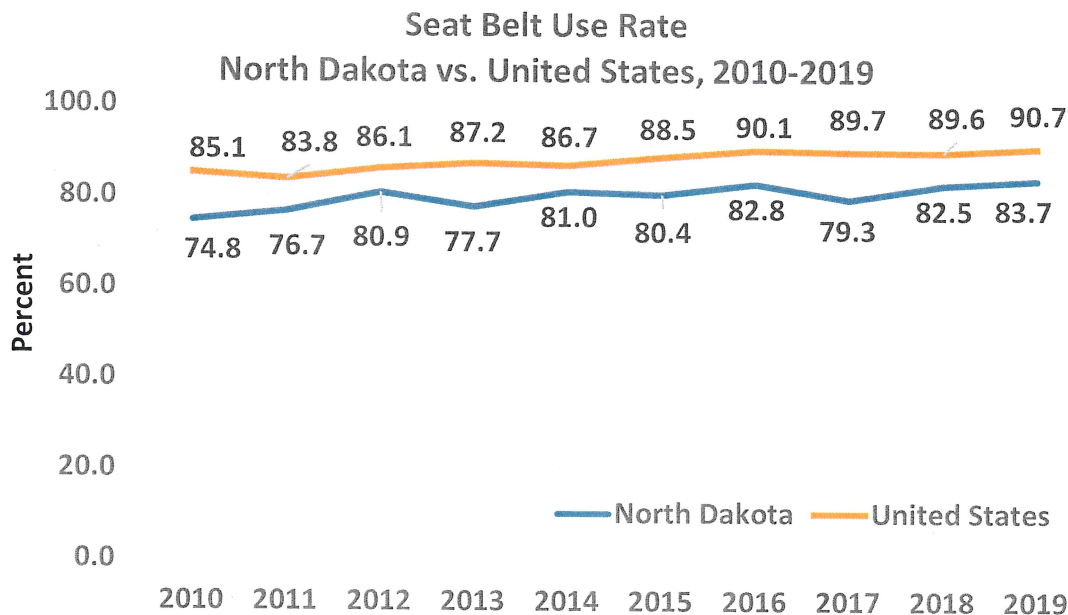
Crash data collected and analyzed by the NDDOT Safety Division shows that over the past five years (2015-2019), 565 people died in motor vehicle crashes. Of those killed where seat belts apply (excluding motorcyclists, bicyclists and pedestrians), about 55 percent were not wearing a seat belt. This same data demonstrates in the chart below the direct correlation between seat belt use and injury severity. Unbelted vehicle occupants account for the largest percent of fatalities and serious injuries while belted occupants most commonly receive non-serious or no injuries. (Figure 1)

FIGURE 1
Percent of Restraint Use by Injury Classification
North Dakota, 2015-2019



An annual observational seat belt study conducted by North Dakota State University (NDSU) Upper Great Plains Transportation Institute (UGPTI) on behalf of the NDDOT Safety Division shows North Dakota's seat belt use rate in 2019 was 83.7 percent. While this may appear high, it's the 16 percent who do not wear their seat belts – about 122,000 North Dakotans – who remain extremely vulnerable to the consequences of a crash. And, this 16 percent of non-seat belt users is contributing to more than half of North Dakota crash fatalities annually. Also, North Dakota's observed seat belt use rate has been consistently lower than the national seat belt use rate over the past 10 years. (Figure2) The national seat belt use rate from 2019 is 90.7 percent while North Dakota's most recent use rate is 83.7 percent.

FIGURE 2



Vision Zero

The NDDOT, along with the North Dakota Highway Patrol, is assigned responsibility for the public safety of road users. Both agencies take this responsibility very seriously and three years ago in January 2018 launched the *Vision Zero* strategy to reduce motor vehicle crash deaths and serious injuries in North Dakota to zero – along with the Governor's Office and other public and private sector partners.

Vision Zero has been very well-received and has the support and involvement of hundreds of stakeholders throughout North Dakota working together to apply evidence-based strategies proven to prevent severe motor vehicle crashes. A Primary Seat Belt Law (PBL) is among the evidence-based strategies identified in the North Dakota *Vision Zero* Plan as a priority strategy for implementation because it will have immediate and significant impact to reduce crash fatalities and serious injuries in North Dakota. Research shows that states that transitioned to a PBL have experienced a 10-12 percent increase in their observed seat belt use. (Source: National Highway Traffic Safety Administration)

To demonstrate the effectiveness of PBLs, I've included Attachment 1 which clearly demonstrates that states that have a PBL have a lower percent of unbelted motor vehicle crash fatalities.

The citizens of North Dakota largely support a PBL. An annual study conducted by NDSU UGPTI on behalf of the NDDOT Safety Division shows that 6 of 10 North Dakota citizens support a PBL. Sixty-one percent of respondents to this survey favored a PBL in 2020 (Figure 3).

FIGURE 3

Year	Percent in Favor of a PBL in North Dakota (Strongly Favored + Somewhat Favored)
2016	58%
2017	62%
2018	62%
2019	58%
2020	61%

The work we do in the Safety Division allows us to talk to many people about seat belt use. This has given us insight that those who do not wear their seat belt are often, at some point, influenced by a significant life event and begin to wear it. Often, the significant life event is having their first child, becoming a grandparent, or being in or knowing somebody who has been involved in a crash. The significant life event impresses upon them how precious life is and prompts them to begin to wear a seat belt. A PBL will promote seat belt use among those who would otherwise choose not to wear one until their life experiences convince them to wear one by choice.

Seat belts save lives. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. But all drivers and passengers must wear them for them to be effective.

This concludes my testimony and I am happy to respond to any questions you may have.

Thank you.

ATTACHMENT 1

Percent Unrestrained Motor Vehicle Crash Fatalities by State, 2018

State	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Law Type	Fine Amount	2018 Percent Unrestrained Fatalities
District of Columbia	93.0%	92.3%	95.2%	92.4%	87.5%	93.2%	95.5%	94.1%	93.6%	95.1%	Primary	\$50	12.5%
Oregon	96.6%	97.0%	96.6%	96.8%	98.2%	97.8%	95.5%	96.2%	96.8%	95.8%	Primary	\$130	26.3%
Michigan	98.0%	95.2%	94.5%	93.6%	93.0%	93.3%	92.8%	94.5%	94.1%	93.4%	Primary	\$25	28.4%
California	95.3%	96.2%	96.6%	95.5%	97.4%	97.1%	97.3%	96.5%	96.2%	95.9%	Primary	\$162	30.9%
Utah	86.1%	89.0%	89.2%	81.9%	82.4%	83.4%	87.2%	87.9%	88.8%	89.0%	Primary	\$45	31.8%
New York	88.0%	89.8%	90.5%	90.4%	91.1%	90.6%	92.2%	91.8%	93.4%	92.9%	Primary	\$50	32.6%
Washington	96.4%	97.6%	97.5%	96.9%	94.5%	94.5%	94.6%	94.7%	94.8%	93.2%	Primary	\$124	32.6%
Minnesota	90.2%	92.3%	92.7%	93.6%	94.8%	94.7%	94.0%	93.2%	92.0%	92.4%	Primary	\$100	33.1%
Iowa	93.1%	93.1%	93.5%	92.4%	91.9%	92.8%	93.0%	93.8%	91.4%	93.9%	Primary	\$128	34.8%
Maryland	94.0%	94.7%	94.2%	91.1%	90.7%	92.1%	92.9%	90.8%	92.1%	90.3%	Primary	\$83	35.6%
West Virginia	87.0%	82.1%	84.9%	84.0%	82.2%	87.8%	89.0%	86.8%	89.7%	90.5%	Primary	\$25	36.2%
Illinois	91.7%	92.6%	92.9%	93.6%	93.7%	94.1%	95.2%	93.0%	93.8%	94.6%	Primary	\$25	36.9%
Wisconsin	73.8%	79.2%	79.0%	79.9%	82.4%	84.7%	85.8%	88.4%	89.4%	89.3%	Primary	\$10	37.5%
Indiana	92.6%	92.4%	93.2%	93.6%	91.6%	90.2%	91.9%	92.4%	93.0%	93.4%	Primary	\$25	37.9%
Connecticut	85.9%	88.2%	88.4%	86.8%	86.6%	85.1%	85.4%	89.4%	90.3%	92.1%	Primary	\$92	39.0%
Texas	92.9%	93.8%	93.7%	94.0%	90.3%	90.7%	90.5%	91.6%	91.9%	91.3%	Primary	\$50	39.6%
North Carolina	89.5%	89.7%	89.5%	87.5%	88.6%	90.6%	89.9%	91.7%	91.4%	91.3%	Primary	\$161	41.1%
Hawaii	97.9%	97.6%	96.0%	93.4%	94.0%	93.5%	92.8%	94.5%	96.9%	97.8%	Primary	\$112	41.7%
New Jersey	92.7%	93.7%	94.5%	88.3%	91.0%	87.6%	91.4%	93.4%	94.1%	94.5%	Primary	\$46	42.3%
Tennessee	80.6%	87.1%	87.4%	83.7%	84.8%	87.7%	86.2%	88.9%	88.5%	90.9%	Primary	\$25	42.5%
Rhode Island	74.7%	78.0%	80.4%	77.5%	85.6%	87.4%	86.7%	87.5%	88.3%	88.8%	Primary	\$40	43.3%
Florida	85.2%	87.4%	88.1%	87.4%	87.2%	88.8%	89.4%	89.6%	90.2%	90.6%	Primary	\$30	44.2%
Georgia	88.9%	89.6%	93.0%	92.0%	95.5%	97.3%	97.3%	97.2%	97.1%	96.3%	Primary	\$15	44.4%
Nevada	91.0%	93.2%	94.1%	90.5%	94.8%	94.0%	92.1%	89.4%	90.6%	91.9%	Secondary	\$25	44.5%
Kansas	77.0%	81.8%	82.9%	79.5%	80.7%	85.7%	82.1%	87.0%	82.0%	84.0%	Primary	\$10	45.1%
Ohio	83.6%	83.8%	84.1%	82.0%	84.5%	85.0%	83.9%	83.8%	82.8%	84.9%	Secondary	\$30	45.6%
Oklahoma	84.2%	85.9%	85.9%	83.8%	83.6%	86.3%	84.5%	86.6%	86.9%	85.6%	Primary	\$20	46.4%
Alaska	86.1%	86.8%	89.3%	88.1%	86.1%	88.4%	89.3%	88.5%	90.1%	91.6%	Primary	\$15	46.8%
Arizona	80.8%	81.8%	82.9%	82.2%	84.7%	87.2%	86.6%	88.0%	86.1%	85.9%	Secondary	\$10	46.9%
Louisiana	74.5%	75.9%	77.7%	79.3%	82.5%	84.1%	85.9%	87.8%	87.1%	86.9%	Primary	\$25	47.3%
South Carolina	81.5%	85.4%	86.0%	90.5%	91.7%	90.0%	91.6%	93.9%	92.3%	89.7%	Primary	\$25	48.6%
Massachusetts	73.6%	73.7%	73.2%	72.7%	74.8%	76.6%	74.1%	78.2%	73.7%	81.6%	Secondary	\$25	49.0%
North Dakota	81.5%	74.8%	76.7%	80.9%	77.7%	81.0%	80.4%	82.8%	79.3%	82.5%	Secondary	\$20	49.3%
Maine	82.6%	82.0%	81.6%	84.4%	83.0%	85.0%	85.5%	85.8%	88.9%	88.5%	Primary	\$50	49.5%
Alabama	90.0%	91.4%	88.0%	89.5%	97.3%	95.7%	93.3%	92.0%	92.9%	91.8%	Primary	\$25	49.7%
Arkansas	74.4%	78.3%	78.4%	71.9%	76.7%	74.4%	77.7%	75.1%	81.0%	78.0%	Primary	\$25	50.6%
New Mexico	90.1%	89.8%	90.5%	91.4%	92.0%	92.1%	93.3%	92.3%	91.5%	90.2%	Primary	\$25	50.7%
Pennsylvania	87.9%	86.0%	83.8%	83.5%	84.0%	83.6%	82.7%	85.2%	85.6%	88.5%	Secondary	\$10	51.1%
Wyoming	67.6%	78.9%	82.6%	77.0%	81.9%	79.2%	79.8%	80.5%	84.8%	86.3%	Secondary	\$25	51.8%
Delaware	88.4%	90.7%	90.3%	87.9%	92.2%	91.9%	90.4%	91.4%	91.4%	92.4%	Primary	\$25	52.4%
Virginia	82.3%	80.5%	81.8%	78.4%	79.7%	77.3%	80.9%	79.0%	85.3%	84.1%	Secondary	\$25	53.1%
Idaho	79.2%	77.9%	79.1%	79.0%	81.6%	80.2%	81.1%	82.9%	81.2%	85.4%	Secondary	\$10	53.2%
Nebraska	84.8%	84.1%	84.2%	78.6%	79.1%	79.0%	79.6%	83.3%	85.9%	85.5%	Secondary	\$25	53.3%
Colorado	81.1%	82.9%	82.1%	80.7%	82.1%	82.4%	85.2%	84.0%	83.8%	86.3%	Secondary	\$71	53.6%
Kentucky	79.7%	80.3%	82.2%	83.7%	85.0%	86.1%	86.7%	86.5%	86.8%	89.9%	Primary	\$25	54.4%
Vermont	85.3%	85.2%	84.7%	84.2%	84.9%	84.1%	86.0%	80.0%	84.5%	89.8%	Secondary	\$25	56.9%
Mississippi	76.0%	81.0%	81.9%	83.2%	74.4%	78.3%	79.6%	77.9%	78.8%	80.2%	Primary	\$25	56.9%
Missouri	77.2%	76.0%	79.0%	79.4%	80.1%	78.8%	79.9%	81.4%	84.0%	87.1%	Secondary	\$50	58.0%
South Dakota	72.1%	74.5%	73.4%	66.5%	68.7%	68.9%	73.6%	74.2%	74.8%	78.9%	Secondary	\$25	63.2%
Montana	79.2%	78.9%	76.9%	76.3%	74.0%	74.0%	77.0%	76.0%	78.0%	86.6%	Secondary	\$20	64.4%
New Hampshire	68.9%	72.2%	75.0%	68.6%	73.0%	70.4%	69.5%	70.2%	67.6%	76.4%	None	\$0	69.6%
Nationwide	84.0%	85.0%	83.8%	86.1%	87.2%	86.7%	88.5%	90.1%	89.7%	89.6%			43.1%

Senate Bill 2121
House Transportation Committee
Representative Ruby, Chairman
March 18, 2021

Chairman Ruby and members of the House Transportation Committee, my name is Christa Kovarik and I am a trooper with the North Dakota Highway Patrol. Please accept this statement in support of Senate Bill 2121.

I have been a trooper with the patrol for nearly 18 years and have been a crash reconstructionist for 13 years. While in high school, I did not like physics and even wanted to drop out. Many years later, I admit I love the study of physics because physics tell the story of a vehicle crash. Newton's Law states that a body in motion stays in motion until another action acts upon it. Relating that to a crash, think of traveling down I-94, at 75 mph. How fast are you going? 75. As it happens in North Dakota, a deer jumps out in front of you, your reaction is to forcefully apply the brakes; your body wants to continue to travel at 75 mph—which would mean forward motion into the steering wheel and then through the windshield. What stops your body from staying in motion? Your seatbelt.

If you are on a road with a lower speed limit and you are going 25 mph because you're driving in town, you may think, "*I don't need to wear my seatbelt in town, the speed limit is only 25 mph*". I investigated a crash where a teenage driver rear-ended a vehicle on main street. The driver was traveling 25 mph and declined medical assistance. She was sitting in my patrol car as I was getting information for a report, she kept rubbing her chest. I commented to her that she must not have been wearing her seat belt, she responded, "*No, how could you tell?*" She told me she didn't think at 25 mph she needed to wear her seatbelt and would not get hurt if she was involved in a crash. I asked if she still believed that to be true, and she responded no and admitted that without it, she flew forward and hit the steering wheel and was in pain.

In addition to keeping your body from forward motion in a crash, a seatbelt also keeps you inside the vehicle. One of the most common crashes in North Dakota is a one vehicle rollover. In fact, there have been 5,366 one vehicle rollovers in the past five

years, 177 of them fatal crashes. I have covered numerous single vehicle rollovers in my career; the reason these crashes most often are fatal is due to the person failing to remain in the safety zone of the vehicle. The advances in vehicle technologies today provide many safety features to keep occupants safe; the safety features are designed to work together, but if you don't stay in the vehicle, these features are useless. In a vehicle rollover, the occupant may remain in the vehicle for a full revolution; however, if the occupant is unrestrained, the person will be thrown around inside the vehicle. As the vehicle continues to roll, the windows give way and the occupant becomes a projectile and is forcefully thrown from the vehicle, eventually landing with their body hitting the ground, distorted, and with serious or fatal injuries. Another possibility is to be partially ejected and an arm or leg or other body part can get crushed under the vehicle as it rolls, or worse, the vehicle lands on them. In a personal experience from 2017, a group of young football players were coming home from a game; the driver got distracted and lost control of the vehicle. All occupants were not wearing seatbelts, were ejected and one died and the others severely injured. The vehicle compartment was completely intact after the crash, and had the three worn their seat belts, they would have remained in the vehicle and may have walked away with minor injuries. Often times people will argue that they do not want to wear a seatbelt in case they end up getting into a crash where they are submerged in water or the vehicle is on fire. Less than one-half of one percent of all injury crashes involve being submerged in water or engulfed in flames. Plus, if you are unrestrained in a crash, the likelihood of having an incapacitating injury that prevents you from being able to get out quickly is much higher.

The highway patrol works hard to provide a safe and secure environment and we rarely know the results of our prevention efforts, I want to share a story with a positive outcome because of seat belts. A motorist, driving a Honda Fit, was traveling north on Highway 83; the driver fell asleep and started to drift into the median. The vehicle traveled through the median, vaulted off a median crossover, became airborne and then rolled end to end. Both the driver and passenger had to be extricated, because both were wearing their seatbelts, they only sustained minor, non-debilitating injuries. There are photos of this crash following my remarks.

In conclusion, over nearly 18 years with the North Dakota Highway Patrol, I have seen many crashes; including fatal crashes or crashes where someone is paralyzed because they were ejected. In the vast majority of these crashes, if the motorist would have been wearing their seat belt at the time of the crash, they would have remained in the car or remained safely in their seat and they would be alive today, or in the case of those paralyzed, be walking today. I have also seen many 'wonder' crashes in my career: the crashes where I wonder how the occupants survived, how a vehicle is so mangled yet the driver compartment is intact and the driver survived, the answer: they were wearing a seatbelt. I have assisted in more than enough fatal crashes, where I must be the face associated with delivering bad news. So many would not have happened, with the simple act of buckling up.

I have shared only a few stories with you. Truth is, every single one of our officers could share these same stories one right after another. I appreciate the opportunity to stand before you today. I would be happy to answer any questions you may have.







Testimony

Senate Bill 2121

House Transportation Committee

Thursday – March 18, 2021

Safe Kids Grand Forks / Carma Hanson

Mr. Chairman, members of the Committee, my name is Carma Hanson. I am the Coordinator of Safe Kids Grand Forks, an injury prevention coalition that covers northeast North Dakota and northwest Minnesota. I am also a certified child passenger safety technician (car seat expert) and have spent much of my career implementing effective strategies that prevent unintentional injuries and deaths, particularly in children.

Over the years, I have been a part of the statewide group of experts that create the North Dakota Vision Zero Plan. This plan is required by the Federal Highway Administration (FHWA) and is spearheaded by the North Dakota Department of Transportation. It includes members from several state agencies who are charged with making our North Dakota roadways safer and reducing traffic injuries and fatalities and reducing costs to taxpayers. In the past, experts have come together from areas such as law enforcement, traffic engineers, metropolitan planning organizations, county agencies, child passenger safety, emergency medical providers and others to create a strategy for making our North Dakota roadways safer. When our team gathers, we create a plan hoping to mirror the evidence-based outcomes proven successful in other states – **things that we know work.**

From results seen in other states that have implemented a primary belt law (currently there are 34 other states that have them) we know that this is a proven effective strategy in reducing traffic injuries and fatalities and decreasing costs to state agencies and funding sources such as Medicaid and Workforce Safety & Insurance. In fact, enacting a primary seat belt bill has been a part of our Vision Zero plan for many years and we need the help of our North Dakota legislature to carry out that strategy, one that will have significant impact on lives saved and economic cost reductions. At a time in our state when we need to evaluate cost savings from all angles, this is an area in **which we can see a cost savings with NO cost to implement and no services being cut.**

As a member of the state's Vision Zero team, we have laid out a state plan that will keep our roadways functioning to move goods and services in our state, but also reduce the number of fatalities. **The things outlined in this plan are not things we THINK will work, but interventions we KNOW will work.**

- We know that **education** works for some and our team will continue to raise awareness about the effectiveness of seat belts.

GRAND FORKS COUNTY SHERIFF'S OFFICE

122 S 5TH ST, SUITE 210

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PHONE: 701-780-8280

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SHERIFF ANDY SCHNEIDER

9816

To: Transportation Committee Members
From: Sheriff Andy Schneider
Date: March 17th, 2021
RE: SB 2121

Dear Transportation Committee members,

My name is Andy Schneider, and I have the privilege of being the Sheriff of Grand Forks County. I come before you today to give testimony regarding why I am in favor of SB 2121.

- Conversations about personal freedoms. Driving is not a right, it is a privilege granted by the State.
- No driver is immune from being involved in a crash, nor can they completely control avoiding crashes.
- Persons' choices to not buckle up do not effect only that individual and their loved ones.
- Personal and professional experiences responding to crashes where persons were and were not buckled.
- Emotional impact on emergency responders.
- Financial impact on agencies for days off for responding officers (recovery from critical incidents). Cost for visits to Psychologists, return to work verification.
- Temporary impact on staffing.
- Implementation of new equipment and traffic violation laws has not resulted in exponential growth in citations for that offense.
- Agency has daily operations, which do not allow constant enforcement of laws.
- Buckle up, it will save your life someday.

I sincerely thank you for your time and consideration today. I am available at any time of day to further discuss this important bill with any and all of you.

Andy Schneider
Sheriff
Grand Forks County
701-741-2269
Andrew.schneider@gfcounty.org

- We know that **engineering** changes can assist and the DOT will continue to enhance and modify our roadways to make them safer and more efficient.
- We also know that **enactment and enforcement** will help and this is where we need your assistance. . . . we need the North Dakota legislature to enact laws that are meaningful and effective. Our secondary law sends a message that “seatbelt use is not that important because law enforcement officers can’t even stop you for not wearing one”. You will hear/have heard testimony from law enforcement officers about this bill in a very passionate way. They are not looking to pass this law just to have another reason to stop people or to give them one more thing to do; they are asking for it because **they know it sends a message that seatbelts are important and it WILL CHANGE BEHAVIOR**. Much has changed in the automotive industry since this bill became a secondary offense law in the 1990’s. At that time, there were only lap belts in many vehicles and so an officer was not able to see if a seatbelt was in use until they were at the car door. Now we have lap-shoulder belts that allow officers to see seatbelt usage ahead of that.

In 2020, our seat belt usage rate was a mere 83.6% in ND, placing us 7th lowest in the country and well below the national average. This is not a statistic to be proud of. That seat belt usage rate leaves 122,000 citizens unprotected in their vehicles and **this 16% of our population is contributing to over half of the deaths seen on our roadways each year. In 2020, there were 97 deaths on our roadways and 64% of them were unbelted.** the number one cause of death in those crashes. While seatbelts will not save people in every crash, it will save lives each year and prevent many injuries. Currently, motor vehicle crashes are the leading cause of death of people under age 35. For us to NOT address this as a public health issue with policy reform would be missing an area of responsibility.

In other states that have turned their law to a primary one, they have seen a 10-12% increase in their seat belt usage. This would take us up into the 90% range which would be more in line with the national average. This will save lives and injuries. It will also save dollars that the state pays for medical and disability claims on those injured in car crashes. **It is estimated that each tax paying citizen in ND pays about \$1049 in costs due to unbelted drivers.** This also does NOT account for the costs paid out by insurance companies due to these crashes, injuries and deaths or many of the other costs borne by the law enforcement agencies that Sheriff Schneider will/has referenced.

Many who oppose this law do so because of “personal liberty”. Law enforcement officers that have testified debunk the idea that “me not wearing my seatbelt only impacts me” as they talked about the agony they and fellow first responders are exposed to when they come upon a crash with dead bodies strewn about the ditch, fields or roadways and then have to go to the door of their loved ones and say that their family member is not coming home from what could have been a survivable crash had they had a seatbelt on. As a nurse, I one time had a patient on my unit that was a 5 year old who was properly harnessed into his car seat. Unfortunately, he came in with a skull fracture because his unbelted, 280# dad flew into him during the crash and injured him severely. To those traveling on roadways that witness rollover crashes where a

body comes flying into their on-coming lane, they will never “unsee” that. This decision DOES impact others and in ways that can be significant.

Our stakeholders group is not asking for laws that are crazy or absurd. We are not asking for help on things that are not a problem in our state. **Lack of seatbelt use and people dying of that cause IS an issue – THE #1 CAUSE OF DEATH FOR PEOPLE UNDER AGE 35 in our state.** Our state legislators have enacted many laws for things that could be potential safety issues. Let me give you a few examples: those that waterski, jet ski or tube behind a boat are required to wear a lifejacket so they don’t drown. If they don’t have one on, the Game and Fish can issue a ticket with no other reason than that. And, people follow that rule. Those that deer hunt are required to wear a blaze orange hat and some type of covering on their front and back of the same color. If they are not wearing their blaze orange, they can be fined with no other reason needed to stop them and both of those citations are more costly than our state’s seat belt fine. These are just two examples of safety laws that are in place that are sound policy decisions that were made by our legislature to protect the citizens of our state from potential dangers, not unlike those found in unbelted motor vehicle crashes. While I believe that the primary enforcement law for lifejackets and blaze orange are important, I take you back to my comment in which I stated that motor vehicle crashes/unbelted occupants are the leading cause of death for people under age 35. I would then ask, “why are we not making sound policy decisions and laws around these risk areas?”. That is the very reason that our stakeholder’s team is coming to the North Dakota legislature to ask for your help and your support of this legislation. We alone cannot carry out the strategies of the Vision Zero Plan without the legislature’s assistance.

Lastly, I would also note that from past surveys conducted annually in our state, **61% of North Dakotans favor this bill.** While it is not 100%, most people will not agree on everything. But, to get elected, it only takes 51% of the vote. While 49% of the folks may not like who was elected, the majority should lead the way. . . . just as those asking for this legislation should have their voices heard and be represented with this legislation.

Driving a motor vehicle is a privilege, not a right and with that privilege comes some expectations. Just as we are expected to use a turn signal when we change lanes or turn a corner, we stop at a red light or we register our cars with the DOT, using a seatbelt is already a law. Our law enforcement officers should be given the ability to enforce that law just as any other one. While they are not looking for a reason to “write tickets”, they are advocating for and using strategies that will prevent injuries and deaths on our roadways, a task assigned to them by our state.

I thank you for allowing me to testify today in support of SB 2121 and I would entertain any questions you may have.

Contact information:

Carma Hanson, MS, RN
Coordinator – Safe Kids Grand Forks
701.739.1591 | chanson@altru.org

Dear House Transportation Committee;

The following is an outline of my testimony with regard to Senate Bill 2121. I will not be giving you a complete testimony in this outline, but here are the topics that I wish to bring to the record in my testimony.

1. Individual rights vs Society obligations my feelings prior to the accident.
 - A. Never wore my Seatbelt before.
 - B. Always wanted to help and respect Societies protectors.
 - C. I am third.
2. Amy's accident and the 1999 Seatbelt Law.
 - A. Brad coming to the Hotel.
 - B. Seat Belt Lobbying.
 - C. Bill Bowman, Our conversations during the Legislature and our chance meeting.
 - D. Speaking and some thoughts.
 - E. People's individual stories from speaking.
 - E. Impact on our community and the people in it. Dennis Gilbertson and how these people are human beings too.
 - F. The tools that we give to our protectors of our society.
 - G. The confrontation.
3. Summation
 - A. Trust in the law both from the Seatbelt law to our situation.

10000

In Memory Of Amy Finstad



November 5, 1978 - December 5, 1998



































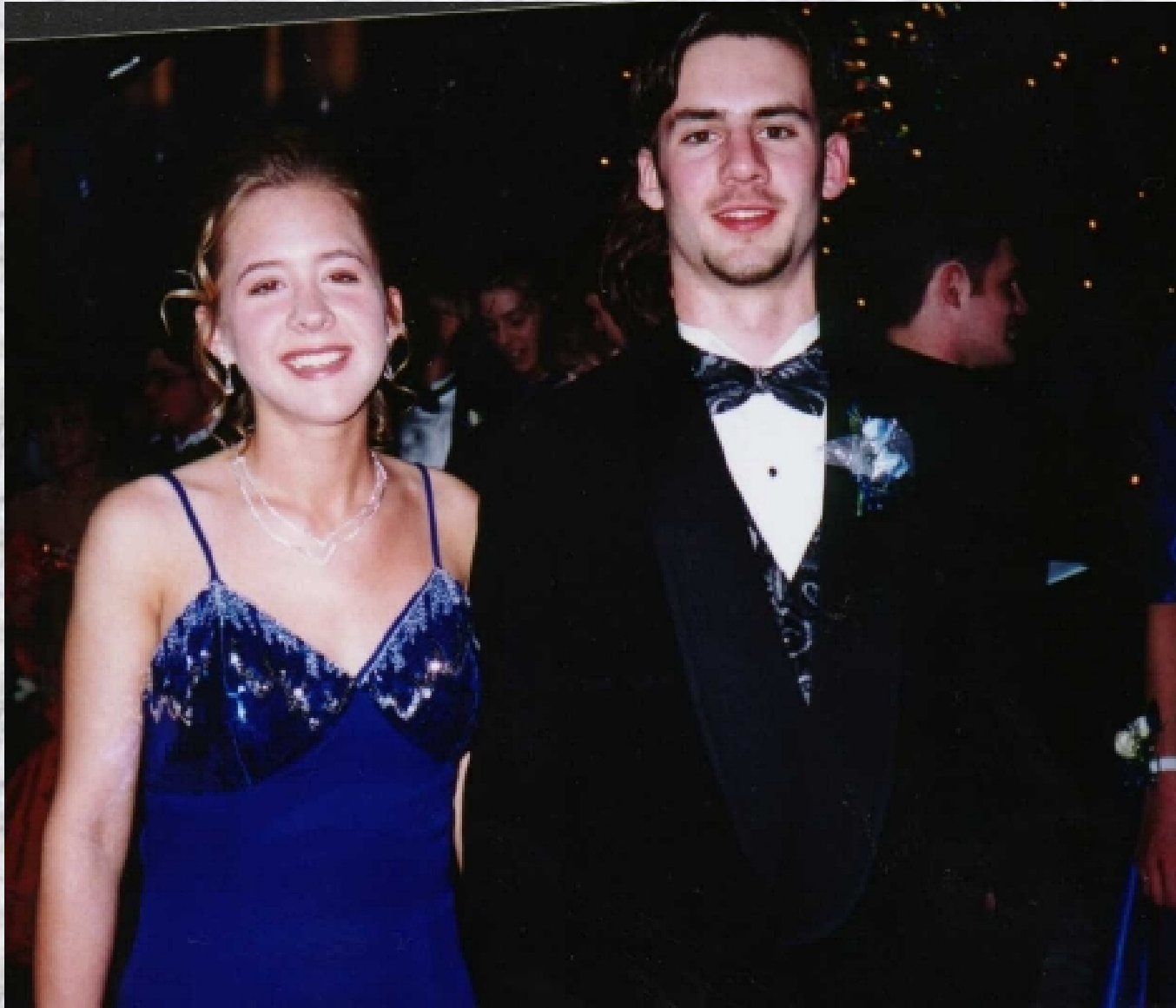




































Car accident takes the life of young Lisbon woman

A one vehicle rollover on Saturday, December 5, took the life of a young Lisbon woman. The accident occurred on Ransom County #54 about 6 miles south of Sheldon at about 12:30 p.m. The vehicle was driven by 20-year-old Amy Finstad, of rural Lisbon.

Finstad was southbound on the pavement when she lost control of her vehicle on the icy road. She then entered the west ditch and rolled her vehicle. Finstad was not wearing her seat belt and was ejected from the vehicle. She was pronounced dead at the scene.

Finstad, a Jamestown College nursing student was on the way home to visit her family and to see her new niece Kayley, when the accident occurred.

Residents of Lisbon were stunned by the news. Some expressed hope that it was just a rumor. By Sunday morning as the announcement was made in all of the churches and residents prayed for the grieving Finstad family, the reality set in.

Amy, who was well known for her brilliant smile and outgoing personality, was dead.

At the prayer service held at Armstrong Funeral Home on Tuesday, December 4, the local community as well as members of the Jamestown College community tried to surround the family with support.

Amy is remembered by her mother, Lorie, as helpful and cheerful. "Amy helped me so much with the younger children, getting them dressed, fed and off to pre-school and daycare," said Lorie.

The family seemed to be comforted when community members shared memories of Amy. A close college friend shared the memory of her last major discussion with Amy. It was about child-rearing practices and though the girls didn't agree on the issue they parted friends and the disagreement is part of her treasured memories.

Some of the memories brought



tears, but others brought shared laughter for those who knew Amy so well. A mother of one of Amy's past boyfriends shared that her son had once told her that Amy could talk about shampoo all the way to Fargo. "And, he told his mom, the scary part is she made it interesting."

Amy's funeral was held on Wednesday, December 9 in Lisbon. For full obituary see obituary page.









The Collegian

Volume 1 • Issue 6 • December 9, 1998

www.jc.edu/Collegian/

Campus mourns student's death

In Memory of Amy Finstad

On Saturday, December 5th, Amy was killed in a car accident a few miles from home.

She will be sorely missed and her death reminds us of the fragile nature of human life.

Amy was a lifeguard and a member of the Jimmie Jones. She was a nursing student and she worked at High Acres Manor. She was someone you remembered after the first time you met her. If you saw someone walking through the hallways in Seibold with a Diet Coke in one hand and a purse in the other, it was probably Amy.

She was an outgoing person. She touched many lives, in so many positive ways. She had a



Amy Finstad

great sense of humor. Amy was always optimistic. For her every day was a new day. Amy had a strong will, she was determined to get the most out of life. Amy would never let the

world get in the way of her dreams.

Amy could brighten a room full of people when she walked in. She had a big heart. Amy made everyone's day brighter. Amy had a hug for everyone who needed one. She had a warm smile. Amy brought joy to everyone she met. Amy would help anyone and everyone who needed assistance. She had a radiant smile. She was always happy. Her life had a great impact on a lot of people who will miss her and the fun times they had with her.

Her friends and classmates are thankful for their memories of her. We will ALWAYS remember Amy.

Leave a note to Amy or her family

If you would like to share your reflections on Amy, there will be a notebook circulating around the third floor of Seibold hall. Talk to Keri Bakker if you want to write in the journal. This notebook will be available until Christmas break when it will be given to Amy's family.





































































First hurdle passed...

John Finstad continues to campaign for seat belt law

by Janet Hansen

This week, beginning on Valentine's Day, February 14, is National Child Passenger Safety Week. Statistics published by the National Safety Council show that traffic crashes are the leading cause of death and injury to children of all races ages 0-15. Six out of ten children who die in crashes

wearing her seat belt she would be alive today.

Officer Gary Odegaard, originally from Milnor but now working as a State Patrol Officer out of a Fargo office, reconstructed the accident scene for Finstad. Odegaard agreed that with the seat belt buckled, Amy would have been safe.



By MIKE McCLEARY of the Tribune

John Finstad, right, talks with North Dakota Highway Patrol trooper Roger Clemens Tuesday in the Great Hall of the Capitol after the passage of a seat belt bill that Finstad is backing.

Saving other people's kids

■ Man whose daughter died in crash pushes hard for seat belt bill

anything before, but he played a key role in getting the bill passed. He spent Monday and Tuesday lobbying lawmakers face-to-face, telling them what it's like to lose a child, and how important that strap of fabric is.

“I think he convinced a few

Finstads to be featured on Prairie Public TV

On Thursday night, April 8, 1999 at 7:30 p.m. Lori and John Finstad of Lisbon will be featured on the

Plains Talk program on Prairie Public Television - Channel 13. They will be sharing their experi-

ences concerning the loss of their daughter, Amy, in a car accident. They will also tell how Amy's death has caused them to become active in getting legislation passed regarding seat belt laws for juveniles.



Finstads witness signing of “Buckle up for Amy” law

The John Finstad family, who lost their daughter, Amy, in a traffic accident last December 5th, traveled to Bismarck in early April to witness the signing of the new seat belt law for which John had

spent much time lobbying. The state will not implement the law immediately, but will spend some time publicizing it and explaining it to the young people, under age 18, which it will affect. According

to John Finstad, Governor Schaefer will be proclaiming a day this summer as “Buckle Up for Amy Day”. The law will begin to be enforced on Labor Day week-end.

Amy
was thrown
clear from
the crash,



leaving
her car behind.

She also left her
family, her friends,
and everything she
wanted to do in life.



Buckle up.

It's not just the law. It's your life.





IF I HAD A FLOWER FOR EVERY MEMORY
I COULD WALK FOR MILES IN A BEAUTIFUL
GARDEN OF FRIENDSHIP AND FUN.

IN MEMORY OF
AMY B. FINSTAD
1978 ~ 1998
CLASS OF 2001



Buckle Up For Amy





House Transportation Committee

IN SUPPORT- SB 2121

March 18, 2021

Janelle Moos, AARP North Dakota

jmoos@aarps.org – (701) 355-3641

Chairman Ruby and members of the House Transportation Committee, my name is Janelle Moos, Advocacy Director for AARP North Dakota. I appreciate your time today.

Before I get into our support for this bill, I'd like to spend just a moment reminding you who we are and why we are here. AARP is a nonpartisan, nonprofit, nationwide organization with nearly 38 million members. 86,000 of those members live in North Dakota – a staggering number when you consider the overall population of our state.

A lot of issues touch older Americans and their ability to live safe, independent and healthy lives. Most of our work fits into three areas; helping people choose where they live, remain financially secure and access affordable health care.

AARP North Dakota is supporting a "Primary Belt Law" to enhance seat belt use among North Dakota drivers to reduce crash-related deaths. AARP at the State and local levels supports the efforts of *Vision Zero* to reduce deaths on our roadways. We have participated in a broad working group that consists of safety advocates, county officials, legislators, and law enforcement to evaluate and propose measures to enhance safe driving.

As some of you know, AARP also has volunteers who teach AARP Smart Driver Courses across the country and a number here in North Dakota aimed at helping older drivers stay safe on the road. According to the National Safety Council, seat belts save lives. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. That's why one of the important parts

of that course is the section on safety. The first point on safety is devoted to safety belts and the importance of wearing them every time, no matter the distance. SB 2121 works toward decreasing motor vehicle crash deaths in North Dakota and research shows other states that have implemented such a law have seen crash deaths decrease.

Thank you for listening and we urge you to give SB 2121 a DO Pass Recommendation.



McKenzie County
Emergency Management

March 18, 2021

9945

Chairman Ruby, House Transportation Committee:

My name is Karolin Jappe, I am not only the Emergency Manager in McKenzie County, but I also serve on the Alexander Volunteer Fire Department as well as our Departments Quick Response Unit. I come before you today in support of SB 2121. In the 7 years I have been in my position I have seen and witnessed a lot throughout McKenzie County in respects to crashes and fatalities.

I am supporting this bill for many reasons. I will start with helping you to understand what happens when a person is ejected from a vehicle. More often than not, it is the vehicle that actually kills the person. The vehicle usually rolls right over the person that gets ejected. If the person were in a seatbelt, the chances of getting ejected are very low and their life could be spared.

I have called on the Critical Incident Stress Debriefing Teams to come in numerous times for our first responders and have had the opportunity of being in on one of those meetings with our first responders. I have seen several responders speak not just of the crash in question but of past crashes that have never left their mind. This is one meeting I will never forget.

I truly believe in protecting public health and safety and I will tell you that I am not one to ask for any more regulations, but this one I will tell you, we need. We need to protect those that are there protecting us.

I have actually seen members from Law Enforcement, EMS and Fire quit due to the horrid crashes that they have had to witness. Recently I had to ask one of our Pastors to meet with one of our younger members of my Fire Department as well as two high school students who ended up first on scene to a two fatality crash.

It is not fair to the many first responders who have to pick up the pieces when people are ejected from vehicles and it is very hard when it's someone you know in your own community.

It's not always the case when you hear "when I wear my seatbelt, I'm only affecting myself". Vehicles can get out of control and when they do it can take the lives of other innocent people. Another words, other people can and will be affected by those who choose not to wear their seat belts.

It has been shown that States that have the seat belt law, have the majority of people choose to wear them because it is the law. It hurts to see people who lose their life, because of a simple seat belt that could have saved them.

I hope you give this serious consideration, and think about what truly happens to all of our first responders from law enforcement, fire, ems and those good Samaritans who always seem to stop at crashes as they know someone has got to be hurt. We can help everyone involved if we just pass this bill.

Thank you for your time,

Karolin Jappe

McKenzie County

Emergency Manager

201 5th Street NW

Watford City, ND 58854

Office: 701.444.7483

Cell: 701.580.6936

March 18, 2021

**House Transportation Committee
Senate Bill 2121**

Chairman Ruby members of the House Transportation Committee my name is Matt Gardner, and I am here representing the North Dakota Motor Carriers Association (NDMCA). NDMCA supports SB 2121.

The trucking industry is critical in transporting freight nationally and internationally. North Dakota trucking companies transport over 37,000 tons of freight per day.

NDMCA mission statement is *"To Promote Highway Safety, Deliver Services and Provide Representation for Our Members"*.

Currently, the Federal Motor Carrier Safety Regulations require commercial motor vehicle drivers to wear safety belts. It is estimated that there is 86% compliance for drivers wearing their safety belts. This expanded to their passengers in 2016. Although this bill would not directly affect the trucking industry, safety of all users on our roads is a top priority for NDMCA.

NDMCA's Board of Directors approved policy statements includes support of a primary safety belt law. NDMCA asks for a do pass recommendation from the House Transportation Committee on SB 2121.

Good morning Chairman Ruby and members of the House Transportation 9886 Committee. My name is Mary Waldo and I am the North Dakota State Trauma Systems Coordinator for the North Dakota Department of Health (NDDoH). Joining me is Dawn Mayer, the Child Passenger Safety Program Director for the NDDoH. We are here to testify in support of Senate Bill 2121.

Prior to my current role as the State Trauma Systems Coordinator, I served the public for eight years as a Registered Nurse (RN) in one of North Dakota's busiest emergency and trauma centers. Prior to that, I spent several years volunteering on a rural North Dakota ambulance service as an Emergency Medical Technician (EMT). I don't remember all of the patients I've lost over the years, but I do remember those whose lives ended because they did not wear a seat belt.

For those of us who work in emergency medicine, whether pre-hospital or in an emergency department, the overwhelming sense of loss that comes with a preventable death lingers, sometimes for years. This emotional toll weighs heavy on the minds of emergency workers throughout the state, many of them volunteers in their rural communities, and it is often the reason that a great nurse or paramedic ultimately burns out and chooses a different career.

In North Dakota, every 11 days an unbelted vehicle passenger dies. Further, in 2020, nearly 70% of all motor vehicle fatalities were from unbelted occupants. Many of these are preventable deaths.

In addition to the financial and societal costs associated with unbelted crash victims, there is a significant and long-lasting emotional toll placed on our valuable emergency workers.

Primary seat belt laws work and the majority of North Dakotans support a primary seat belt law. In 2020, results of a statewide survey showed that 61% of North Dakotans favored a primary seat belt law.

Thank you for the opportunity to share my testimony. Dawn Mayer will now provide testimony.

Good morning Chairman Ruby and members of the House Transportation Committee. My name is Dawn Mayer and I am the Child Passenger Safety Program Director for the NDDoH.

As part of my job, I coordinate child passenger safety trainings statewide for professionals and teach occupant protection. As Mary mentioned, the majority of people favor a primary seat belt law indicating they understand the benefits of wearing a seat belt; however, there are others that do not understand.

According to the National Highway Traffic Safety Administration (NHTSA), a person is more likely to survive a crash if they are wearing a seat belt. When a crash occurs and you are saved by your seat belt, you will be able to help yourself get out of the car, as well as assist anyone else in the vehicle who is affected by the crash. If you are not buckled up, you are more likely to receive injuries or die (NHTSA). If you are injured, chances are you may not be able to help yourself out of the car or help others affected by the crash.

When someone chooses not to buckle up and is injured or killed in a crash, it affects many lives and systems; your family, your work, emergency responders, law enforcement, fire departments, hospitals, insurance costs and many more.

A primary seat belt law is an evidence-based strategy to increase seat belt use (NHTSA). Research shows that states that transitioned to a primary seat belt law have experienced up to a 10-12% increase in their observed seat belt use (NHTSA). Wearing a seat belt is the most effective way to prevent death and serious injury in a crash. Primary seat belt laws save lives.

This concludes our testimony. We are happy to answer any questions you may have.

Testimony to the:
House Transportation Committee

Senate Bill 2121 – In Support
March 18, 2021

Chairman Ruby and members of the House Transportation Committee:

My name is Adam Johnston; I am a resident of West Fargo, an emergency nurse, and the President of the North Dakota Emergency Nurses Association. I am in support of Senate Bill 2121.

Others testifying today will present a strong case of statistics and data for you to consider, so I won't spend much time on those. However, prior to deciding whether I support a bill, I consider three questions, and I want to share the evidence-based answers that led me to take action on this.

Question #1: What is the ultimate goal of the bill?

Answer: The goal of SB 2121 is to reduce the number of deaths and serious injuries from motor vehicle collisions, and to lessen the financial impact those injuries have on our state.

Question #2: Will this bill accomplish those goals?

Answer: The science says yes. States that enacted primary enforcement seat belt laws saw an average 7% decrease in motor vehicle collision death rates. We also know that medical bills are 55% higher for unbelted victims, and those costs impact insurance premiums, taxes, and overall healthcare costs.

Question #3: Do we really need this to accomplish those goals?

Answer: In 2019, there were only 7 states with lower seat belt use rates than North Dakota. Only 4 states and the District of Columbia had seat belt use rates greater than 95%. The commonalities in those 4 high-performing states are primary enforcement seat belt laws, and lower rates of motor vehicle deaths than states without primary enforcement. SB 2121 is an important part of the strategy to improve those statistics in North Dakota.

I submit testimony today because I see the impact of seat belt use (or the lack thereof) on a regular basis as an emergency nurse, and I'd like to share one story to help you see a small sliver of what I see.

A couple years ago, I was the primary trauma nurse scheduled on the overnight shift. I learned that I would be caring for a male passenger in his 20s with serious injuries from a motor vehicle collision. He had stopped breathing on scene, was intubated, and CPR was in progress. I'll refer to him as Dylan.

By the time Dylan arrived to my trauma room, his pulse had returned, and a ventilator was set up to breathe for him. Our team worked for about an hour to stabilize him. Finally, our physician had a moment to update Dylan's mom and to prepare her for what she would soon see. As she walked into the room, I could tell she understood the reality of the situation. The first thing she said to me was "I need you to know he is an organ donor. [...] If he can't survive, please make sure he can donate." We stabilized Dylan and admitted him to the ICU, but ultimately, he was pronounced brain-dead. He did end up donating most of his organs.

I think about Dylan a lot. When I see the donor stamp on my driver's license. When I walk by that particular trauma room at work. And when I get in a car and put my own seat belt on. I've thought about Dylan over and over while listening to the committee and floor discussions this session (regarding this bill and House Bill 1257) and while preparing this testimony.

I don't know if stronger seat belt laws would have saved Dylan's life. But I do know that primary-enforcement all-occupant laws are proven to decrease deaths and serious injuries in accidents like Dylan's. With Senate Bill 2121, each of you, and each representative in this assembly, has the opportunity to make a change that will save lives in North Dakota. In fact, by passing this bill, you have the chance to save more lives each year from motor vehicle crashes than I do as an emergency nurse. If I had that chance, I wouldn't hesitate to take it, and I hope you do the same.

Please vote DO PASS on Senate Bill 2121.

Sincerely Submitted,

A handwritten signature in black ink, appearing to read 'A. Johnston', with a stylized flourish at the end.

Adam R. Johnston, BAN, RN, CEN, CPEN, NPD-BC
862 36th Ave E, Apt #110
West Fargo, ND 58078

Chairman Ruby,
Committee Members,

I'm Tom Wheeler from rural Ray, ND.

I am here to ask you to leave seatbelt law as a secondary offense.

When I left my farm NW of Ray to come to Capital, my seatbelt was buckled up for the entire 208 miles. Must stay safe with all the traffic and the crazy drivers. No doubt about it, I feel safer with my seatbelt fastened.

You've heard it said that if North Dakota seatbelt law is changed to a primary offense traffic fatalities will drop. That is true if everyone buckles up. However not everyone will wear their seatbelts. Call them stubborn or ornery or bullheaded but I have three friends that refuse to buckle up. They are not stupid.

A \$20 fine will not get them to buckle up. Or \$50 or \$100. A \$200 fine might persuade one but the other two never. Ten lashes with a leather whip would probably get them to reconsider.

How are law enforcement officers going to catch those that are unbuckled? Meeting on a four lane highway and observing an oncoming vehicle with an unbuckled occupant? While riding with others I have tried to see those oncoming drivers belted or not belted. I don't have great eyesight but impossible for me. The younger eyes of a trooper might have a better chance but they are driving and would have to take their eyes off the road.

Over 30 years ago my bride and I were on highway two in Larimore area heading east. She was driving I was sleeping. I was awakened by Oh no. We had met a Highway Patrol trooper and he had turned around and his lights were flashing. I looked around and we were the most likely suspects.

As he approached her open window he leaned down, pointed at me and said "I want to see your drivers License". He said "When I met you the driver had a red shirt. Now the red shirt is over there. You two switched. Of course I argued with him but I did give him my license so he could check to find there was no reason for us to switch, my driving record was clear.

When he brought our licenses back he had a speeding ticket for my wife. I told him again we had not switched. He believed what he thought he saw but he was wrong.

Lots of disagreements coming with primary seatbelt offense. Was the seatbelt really not buckled?

Our farm is two miles NW of Ray. When I drive into grocery store or post office in Ray I don't buckle up. When I drive to fields NW of our farm on township and county roads I don't buckle up.. Call it stubborn or ornery or just lazy. But I don't feel unsafe. I don't feel at risk.

We all have different levels of aversion to risk. No way would I ever consider driving a motorcycle. Motorcycle drivers are not even required to wear a helmet. But by all the motorcycles on the roads many people don't agree with me. That's their choice. I'm not going to force my view of motor cycles on them.

We should always try to get to Zero traffic fatalities on North Dakota roads. But with the speed limits we have now I don't believe zero is attainable. I feel speed limits would have to be less than 30 mph to get close to zero traffic fatalities. Wouldn't want to be the one bringing that law forward.

Higher seatbelt usage will happen all by itself. It will take some time though. Our two sons are 28 and 26 years old. They have been raised with child car seats and buckling up. Buckling up is automatic for them. From birth all children must be in a child car seat. They are trained from day one. Seatbelts were first required in automobiles in 1966. Those of my age were never trained for seatbelts. We were adults when the shoulder strap was added to the seatbelt.

But as us stubborn or ornery or bulheaded or lazy guys die off the seatbelt usage percentage will continue to rise.

Lets not follow Minnesota. Lets do the same as South Dakota and Montana, leave the law as it is, secondary offense.

Vote no on SB 2121



2021 SB 2121
House Transportation Committee
Representative Ruby, Chairman
March 18, 2021

Chairman Ruby and members of the House Transportation Committee, I am Tim Blasl, President of the North Dakota Hospital Association (NDHA). I testify in support of Engrossed Senate Bill 2121 and ask that you give this bill a **Do Pass** recommendation.

Hospitals are here today in support of this bill because we know that increasing seat belt use is critical to reducing injury and saving lives. According to data from the Centers for Disease Control and Prevention (CDC), most drivers and passengers killed in vehicle crashes are unrestrained. Here are some other important points:

- Among drivers and front-seat passengers, seat belts reduce the risk of death by 45%, and cut the risk of serious injury by 50%.
- Seat belts prevent drivers and passengers from being ejected during a crash. People not wearing a seat belt are 30 times more likely to be ejected from a vehicle during a crash. More than 3 out of 4 people who are ejected during a crash die from their injuries.
- Seat belts save thousands of lives each year. Seat belts saved almost 13,000 lives in 2009. If all drivers and passengers had worn seat belts that year, almost 4,000 more people would be alive today.
- 53% of drivers and passengers killed in car crashes in 2009 were not wearing restraints.

Laws requiring seat belt use are either “primary” or “secondary” enforcement laws. Primary enforcement laws allow police officers to pull over drivers and issue tickets just because the drivers—or their passengers—aren’t wearing seat belts. Secondary enforcement laws, such as our current law, only allow police officers to issue tickets for seat belt violations if drivers have been pulled over for

some other offense. Secondary enforcement significantly limits the ability to enforce seat belt laws. Rates of seat belt use are 9 percentage points higher in primary enforcement states than secondary states. If the overall prevalence of seat belt use in states with secondary enforcement laws had matched the higher prevalence in states with primary laws, an additional 7.3 million adults would have buckled up in 2008. A primary enforcement seat belt law covering all passengers will increase seat belt use and save lives.

For these important reasons, I urge you to give the engrossed bill a Do Pass recommendation. Thank you.

Respectfully Submitted,

Tim Blasl, President
North Dakota Hospital Association

Testimony to the House Transportation Committee on SB 2121
March 18, 2021
Testimony by Mary Korsmo
North Dakota Association of City & County Health Officials
(NDSACCHO)

Good morning, Chairman Ruby and members of the House Transportation Committee. My name is Mary Korsmo and I am the Executive Director for the North Dakota Association of City & County Health Officials. On behalf of all 28 local public health units which I represent, we support SB 2121.

Motor vehicle crashes are the leading cause of injury-related death in North Dakota (Centers for Disease Control and Prevention). The ND Department of Transportation reports that more people die in motor vehicle crashes in North Dakota from being unbelted than from other common contributing crash factors. According to the National Highway Traffic Safety Administration, seat belts among drivers and front-seat passengers reduce the risk of death and serious injury by 45 and 50 percent respectively. Unbelted motor vehicle crash deaths are preventable.

Proven data shows that seat belts save lives and money, yet it costs nothing to implement. A primary belt law will decrease motor vehicle crash deaths in North Dakota; your favorable consideration of SB 2121 is requested.

Thank you for the opportunity to provide this testimony. I'm happy to answer any questions or provide additional information as requested. Please feel free to contact me at 701.471.2264 or mary.korsmo@ndaco.org.

Chairman Clemmens and Members of the Senate Transportation Committee,

My name is Terry Weaver and I am the Traffic Safety Program Manager for the North Dakota Safety Council , a non-profit organization that is dedicated to preventing injuries and saving lives. Thank you for the opportunity to express the NDSC's support for Senate Bill 2121.

Just a thought to start us off thinking the same way about laws and safety. Hunters don't argue when we make them wear orange. They wear it for their safety – and they wear it to stay alive!

A PBL law has no cost and will save money.

- Unbelted crash victims have medical bills 50 percent higher than belted crash victims. (NHTSA)
- In the U.S., those who are not directly involved in crashes pay for nearly three-quarters of all crash costs, primarily through insurance premiums, taxes and congestion-related costs such as travel delay, excess fuel consumption and increased environmental impacts. In 2010, these costs, borne by society rather than by crash victims, totaled over \$200 billion. (NHTSA: <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>)
- The National Safety Council estimates the following average economic costs in 2018 for motor vehicle deaths and injuries. This is based on five economic cost components: (1) wage and productivity losses, which include wages, fringe benefits, household production, and travel delay; (2) medical expenses, including emergency service costs; (3) administrative expenses, which include the administrative cost of private and public insurance plus police and legal costs; (4) motor-vehicle damage, including the value of damage to property; and (5) uninsured employer costs for crashes involving workers.

Economic costs, 2018

Death \$1,659,000

Disabling Injury \$ 96,200

Evident Injury \$ 27,800

Possible Injury \$ 22,800

No injury observed \$ 12,200

Property damage only \$ 4,500

- All fines and fees collected for violations of traffic laws go to the North Dakota Common Schools Trust Fund

Currently, North Dakota's seat belt use rate is 83.7%. This means about 16% - or approximately 122,000 North Dakotans – remain extremely vulnerable to the consequences of a crash. This 16% is contributing to about half of North Dakota crash deaths annually. While some individuals consider seat belt use to be a personal choice that only affects them, it is a choice that affects nearly everyone - including North Dakota taxpayers. In the U.S., those who are not directly involved in crashes pay for nearly three-quarters of all crash costs. Lives are lost when seat belts are not used.

An argument is often made that it is an individual's right not to wear a seat belt – or even that driving is a right. But driving is a privilege, not a right. Individuals not meeting requirements set by state law are not allowed to drive a motor vehicle in ND. A few requirements include:

- Drivers must be licensed
- Drivers must obey speed limits and traffic laws
- Drivers may not use text messaging
- Drivers may not drive while impaired by alcohol or drugs

And seat belt use is also among the requirements for the privilege to drive.

The NDSC urges you to pass SB2121 because SEAT BELTS SAVE LIVES. A primary belt law (PBL) is an evidence-based strategy to move North Dakota toward zero motor vehicle crash deaths. It is a solution that comes at no cost to the state or residence and would increase usage without increasing enforcement. States that transitioned to a PBL have experienced a 10-12% increase in their observed seat belt use.

An argument is often made that it is an individual's right not to wear a seat belt – or even that driving is a right. But driving is a privilege, not a right. Individuals not meeting requirements set by state law are not allowed to drive a motor vehicle in ND. Existing requirements include:

- Drivers must be licensed
- Drivers must obey speed limits and traffic laws

- Drivers may not use text messaging
- Drivers may not drive while impaired by alcohol or drugs

Seat belt use is also among the requirements for the privilege to drive.

I appreciate the opportunity to express support for this important measure and urge a “Do Pass” recommendation by the committee.

Chairman Clemmens and Members of the Senate Transportation Committee, I am happy to answer any questions you may have.

Sincerely,

Terry Weaver
Traffic Safety Program Manager
North Dakota Safety Council

House Member,

The legislature should not be introducing bills that limit our choices or liberties.

If I will not wear a seat belt that is my **RIGHT** and if the government is going to try to put senseless restrictions on us there should be a benefit to the people such as lower vehicle insurance due to the potential that we would be hurt less in an accident and lower any medical insurance for the same reason.

We all know that we will not get any reduction in any insurance premiums if a seatbelt is required so stay out of our personal and private lives with bills that do little to benefit us and only serve to give law-enforcement a reason to stop us and write out tickets!

Thank you,

Mr. Mitchell S. Sanderson



March 17, 2021

Rep. Dan Ruby
 State Capitol
 600 E. Boulevard Ave.
 Bismarck, ND 58505

AAA-The Auto Club Group
 4950 13th Ave. S., Ste. 15
 Fargo, ND 58103-7268

(701) 893-3759
eladoucer@acg.aaa.com

Chairman Ruby and Members of the House Transportation Committee,

On behalf of AAA – The Auto Club Group and our more than 69,000 members in North Dakota I'm writing to express support for SB 2121, which would allow primary enforcement of the state's seat belt law.

There is no debating the effectiveness of seat belts. Even those who don't routinely wear them admit they would buckle up if they knew they would be involved in a crash. Unfortunately, no one knows when a tragedy will occur. Requiring use by everyone, every trip is a proven way to reduce injuries, deaths and the immeasurable impact traffic crashes have on North Dakota families. The annual statistics are telling. The National Highway Transportation Safety Administration estimates that 44 lives were saved by seat belts in North Dakota in 2017 and another 18 could have been saved if all vehicle occupants had worn their belt.

When someone is injured or dies in a traffic crash, we all pay. These costs, which include emergency services, hospital services and survivor payments, are paid for by all taxpayers and insurance policyholders.

As you know, North Dakota currently has a primary seat belt law for teens under the age of 18. That group, however, too often follows the poor examples set by some adults and go unbuckled when traveling alone or with friends. That issue can be solved with sound evidence-based policy, which includes allowing for primary enforcement of the law for all ages. It may also help parents enforce household rules. According to an NDSU study, more than 99 percent of parents expect their teens to wear a seat belt at all times. Yet, several studies and a review of the data paint a different picture. As a result, young lives are being cut short or significantly altered due to serious injuries.

Through education, enforcement and sound policy, we can increase seat belt use in North Dakota and reduce the unnecessary loss of life and the personal and economic toll traffic crashes have on everyone. Stemming the tide of crash fatalities and serious injuries starts with embracing a culture of safety and setting an example for our children to follow. For all of us that begins before even putting the vehicle in gear -- by buckling up. It is a life-saving habit best established at a young age and continued through adulthood.

Mr. Chairman, I appreciate the opportunity to express support for this important measure and urge a "Do Pass" recommendation by the committee.

Sincerely,

A handwritten signature in black ink that reads "Gene LaDoucer". The signature is fluid and cursive.

Gene LaDoucer
 Public Affairs Director

AAA-The Auto Club Group (ACG) is a membership based, non-profit corporation operating in fourteen states and two US Territories. It is one of the largest American Automobile Association (AAA) clubs in the United States with approximately 14 million members. ACG provides travel, insurance, automotive, and financial services to its members. In North Dakota, AAA – The Auto Club Group serves more than 69,000 members and works to represent the interests of members and the traveling public in the state legislature.

March 16th, 2021

House Transportation Committee:

Representative Dan Ruby Committee Chairman and Committee Members,

Supportive written testimony for SB2121

Saving lives with proper seat belt usage for all passenger in a vehicle.

Our Seat belts are the single most effective safety device to prevent death and injury in a motor vehicle crash. Are we not required to wear fluorescent orange during the deer gun season, and it must be so many square inches as well? **It saves lives!**

Seat belts restrain occupants in the vehicle's designed protective space, giving them room to live in the event of a crash and prevents them from colliding with other occupants in the vehicle. A seat belt also keeps the driver correctly positioned behind the wheel to help maintain control of a vehicle. **Let us help save a life!**

More than 2.2 million drivers and passengers were treated in emergency department as the result of being injured in motor vehicle crashes in 2018 in the united states. This resulted in almost \$62 billion in lifetime medical and work loss costs in 2017 alone in non-fatal crashes in the nation. **Saving on insurance cost, medical cost, and loss of productive work time.**

In 2019, 46% of motor vehicle fatalities in North Dakota were not wearing seat belts.

How many fatalities are acceptable in your family? **We are aiming for zero.**

Pass this bill and protect those around us as we together **save lives.**

Dunn County Commissioner,

Daryl Dukart

GM Testimony on Primary Seat Belt Law

Mr. Chairman and members of the committee. Good morning, my name is Don Larson, and I am submitting this testimony on behalf of General Motors. I would like to offer support for SB 2121, the Primary Seat Belt bill.

General Motors has a strong commitment to safety that reaches all parts of the company, impacting everything from the development of our vehicles to the work behaviors of our employees. Ultimately, the safety of our customers and employees takes precedence over everything else.

GM's CEO, Mary Barra, has outlined the company's vision of a world with zero crashes, zero emissions and zero congestion. We are working on the technologies that will create this future, blending global insights with local market expertise as the automotive industry transforms from traditional manufacturing to transportation services. Safety, however, remains at the core of this vision.

It is for this reason that we support efforts for a primary seat belt enforcement law in North Dakota. The seat belt is the primary safety device in a motor vehicle. It protects both the driver and passengers in the event of a collision. While we continue to develop advanced driver assist technologies to keep our customers safe, the seat belt remains the most effective tool in preventing injuries and saving lives in the event of an accident.

While we respect the opinions of those who may consider the use of a seat belt an infringement that should be a personal choice – we believe there is too much at stake to not recognize the importance of using the primary safety device installed in each vehicle.

Mr. Chairman and members of the committee, thank you for your time and consideration of this very important legislation.



Statement of

National Transportation Safety Board

Before the

Committee on Transportation
North Dakota House of Representatives

— *On* —

Senate Bill 2121
Primary Safety Belt Enforcement

Bismarck, ND • March 18, 2021



An Independent Federal Agency

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, and pipeline. We determine the probable cause of each accident we investigate and make safety recommendations aimed at preventing future accidents and crashes. The recommendations that arise from our investigations and safety studies are our most important product.

Motor vehicle crashes are responsible for more deaths than crashes in all other transportation modes combined, accounting for more than 90 percent of all transportation-related deaths every year. Research has consistently shown that seat belts effectively reduce the risk of serious injury in the event of an accident, especially when used by all vehicle occupants in all seating positions, yet seat belts aren't used as often as they should be. In addition to injuries and fatalities, failure to use seat belts can result in significant economic cost. Primary enforcement of seat belt laws has been proven to increase seat belt use and save lives.

Seat Belts are Effective

The benefits of safety belt use are significant and well documented. The National Highway Traffic Safety Administration (NHTSA) has estimated that lap/shoulder belts reduce the risk of fatal injury to front seat occupants of passenger cars by 45 percent, and reduce the risk of moderate to severe injuries by 50 percent. The numbers for light truck occupants are even higher.¹

Seat belts are the best defense against motor vehicle injuries and fatalities because they protect vehicle occupants from the extreme forces experienced during crashes. Unbelted vehicle occupants frequently injure other occupants during a crash, and unbelted drivers are less likely than belted drivers to be able to control their vehicles. Further, rear seat passengers are three times more likely to die in a crash if they are unbelted.² In addition, seat belts prevent occupant ejections. In 2018, only 1 percent of vehicle occupants using seat belts were ejected, while 27 percent of unrestrained vehicle occupants were ejected. Among those occupants completely ejected from their passenger vehicles, 82 percent died.³

In fact, our most recent seat belt recommendation to the states resulted from our investigation of a 2014 crash in Davis, Oklahoma, in which four college athletes were killed when they were ejected from the medium-size bus in which they were riding. None of the passengers was wearing a seat belt. Our investigation concluded that the bus passengers' lack of restraint use contributed to the severity of the injuries. Our recommendation asks states to mandate the use of seat belts on all vehicles equipped with them, including intercity motorcoaches and other passenger vehicles.⁴

¹ NHTSA National Center for Statistics and Analysis. *Occupant Protection in Passenger Vehicles: 2018 Data*. Traffic Safety Facts. Report No. DOT HS 812 967. Washington, DC: NHTSA, June 2020, p. 4.

² Governor's Highway Safety Association. "Unbuckled in Back: An Overlooked Issue in Occupant Protection." November 2015.

³ NHTSA *Occupant Protection in Passenger Vehicles: 2018 Data*, p. 8.

⁴ NTSB. *Truck-Tractor Semitrailer Median Crossover Collision With Medium-Size Bus on Interstate 35, Davis, Oklahoma, September 26, 2014*. NTSB/HAR-15/03. Washington, DC: NTSB, 2015. (See Safety Recommendation H-15-42.)

NHTSA estimates that seat belts saved the lives of nearly 15,000 motor vehicle occupants age 5 and older in 2018, nationwide. Further, had all passenger vehicle occupants age 5 and older used seat belts in 2018, more than 2,500 additional lives could have been saved. From 1975 through 2018, seat belts saved almost 375,000 lives nationwide.⁵ In North Dakota, 44 lives were saved by seat belts in 2017, and another 18 could have been saved if all vehicle occupants had worn their belt.⁶

Seat Belt Use is Too Low

Unfortunately, seat belt use in the United States remains lower than in other industrialized nations, which have usage rates well over 90 percent. In 2018, daytime, front seat, seat belt use in the United States was 89.6 percent; however, in North Dakota, only 82.5 percent of vehicle occupants used a seat belt. Only four states had lower use rates.⁷

In 2018, only 74 percent of all occupants involved in fatal crashes were belted. Among those who were fatally injured, only 53 percent were known to be restrained.⁸ On the other hand, 87 percent of motor vehicle crash survivors that same year were restrained.⁹

Drivers who choose not to buckle up tend to exhibit multiple high-risk behaviors and are more frequently involved in crashes. According to the National Automotive Sampling System (crash data composed of representative, randomly selected cases from police reports), belt use among motorists is lowest in the most severe crashes.¹⁰ Fatal crashes are the most violent motor vehicle crashes and often result from high-risk behaviors, such as speeding and impaired driving.

Seat belt use is also substantially lower than the national observed belt use rate among special populations, such as impaired drivers and teen drivers. In 2017, 64 percent of fatally injured drivers, for which restraint use was known, who were driving while impaired were not using seat belts.¹¹ During that same year, 58 percent of fatally injured teen drivers who had been drinking were not restrained.¹²

Primary Enforcement Seat Belt Laws Do Increase Seat Belt Use

Although 49 states require motor vehicle occupants to use seat belts, 15 states—including North Dakota—allow only secondary enforcement of their seat belt laws, meaning that police officers cannot issue a citation for a seat belt violation unless the vehicle has been stopped for

⁵ NHTSA *Occupant Protection in Passenger Vehicles: 2018 Data*, p. 6.

⁶ NHTSA National Center for Statistics and Analysis. *Lives Saved in 2017 by Restraint Use and Minimum-Drinking-Age Laws*. Traffic Safety Facts CrashStats. Report No. DOT HS 812 763. Washington, DC: NHTSA, 2019.

⁷ NHTSA National Center for Statistics and Analysis. *Seat Belt Use in 2018—Use Rates in the States and Territories*. Traffic Safety Facts CrashStats. Report No. DOT HS 812 947. Washington, DC: NHTSA, 2020.

⁸ NHTSA *Occupant Protection in Passenger Vehicles: 2018 Data*, p. 7.

⁹ NHTSA National Center for Statistics and Analysis. *Occupant Protection in Passenger Vehicles: 2018 Data*, p. 7.

¹⁰ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/810948>

¹¹ NHTSA National Center for Statistics and Analysis. *Alcohol-Impaired Driving: 2017 Data*. Traffic Safety Facts Report No. DOT HS 812 630. Washington, DC: NHTSA, 2018.

¹² NHTSA National Center for Statistics and Analysis. *Young Drivers: 2017 Data*. Traffic Safety Facts Report No. DOT HS 812 753. Washington, DC: NHTSA, 2019.

another reason. With primary enforcement, police officers execute a traffic stop and cite unbelted vehicle occupants without needing another reason for making the stop. According to the 2019 National Occupant Protection Use Survey (NOPUS), average seat belt use was 92 percent in states authorizing primary enforcement, compared to 86.2 percent in states authorizing only secondary enforcement.¹³ States that have enacted primary enforcement seat belt laws historically have seen seat belt use rates increase between 5 and 18 percentage points.¹⁴ This increased use is based on drivers' realization that they may be stopped for violating the seat belt law.

Primary enforcement of seat belt use laws has also been associated with a reduction in fatalities. A 2004 study examining 10 states that moved from secondary to primary enforcement concluded that the change resulted in a 7-percent reduction in fatalities.¹⁵ In six states that changed from secondary to primary enforcement between 2000 and 2004, the number of fatally injured front-seat passenger occupants who were wearing seat belts increased substantially.¹⁶

Primary enforcement seat belt laws remain the best way to raise and maintain seat belt use rates. Numerous scientific publications and the US Guide to Community Preventive Services's systematic review of all available scientific literature show that primary enforcement seat belt laws increase seat belt usage, and with increased usage comes fewer injuries and fatalities.¹⁷

Economic Costs from the Failure to Use Seat Belts are Significant

Although opponents to strong seat belt laws claim that nonuse is a personal choice and affects only the individual, the fact is that motor vehicle injuries and fatalities have a significant societal cost. NHTSA calculated that the lifetime cost to society for each motor vehicle fatality is about \$1.4 million. More than 80 percent of these costs are attributed to lost workplace and household productivity.¹⁷

Although the affected individual covers some of these costs, those not directly involved in crashes pay for more than three-quarters of all crash costs, primarily through insurance premiums, taxes, and travel delay. In 2010, the costs borne by society rather than the crash victims totaled more than \$187 billion; approximately 7 percent of total economic costs were borne by public sources (federal and state government).¹⁸ Motor vehicle injuries and deaths involving unbelted vehicle occupants cost an estimated \$10 billion just for medical care, lost productivity, and other injury-related costs.¹⁹

¹³ NHTSA National Center for Statistics and Analysis. *Seat Belt Use in 2019—Overall Results*. Traffic Safety Facts Research Note. Report No. DOT HS 812 875. Washington, DC: NHTSA, December 2019.

¹⁴ Centers for Disease Control and Prevention. *Motor Vehicle Safety*. Primary Enforcement of Seat Belt Laws. Washington, DC: CDC, 2015.

¹⁵ <https://www.nhtsa.gov/staticfiles/nti/pdf/811524.pdf>

¹⁶ Hedlund J, Gilbert SH, Ledingham K, and Preusser, D. *How States Achieve High Seat Belt Use Rates*. Report No. DOT HS 810 962. Washington, DC: NHTSA, p. 38.

¹⁷ Dinh-Zarr TB, Sleet DA, Shults RA, et al. Task Force on Community Preventive Services Reviews of Evidence Regarding Interventions to Increase Use of Safety Belts. *Am J Prevent Med*, vol. 21, no. 4S, pp. 48–65.

¹⁷ Blincoe LJ, Miller TR, Zaloshnja E, and Lawrence BA. 2015. *The Economic and Societal Impact of Motor Vehicle Crashes, 2010*. (Revised) Report No. DOT HS 812 013. Washington, DC: NHTSA.

¹⁸ NHTSA. *The Economic and Societal Impact of Motor Vehicle Crashes*, p. 2

¹⁹ *Ibid*, p. 3.

NHTSA also estimates that each critically injured survivor of a motor vehicle crash costs an average of \$1 million. Medical expenses and lost productivity account for 82 percent of the cost of the most serious level of nonfatal injury.²⁰ In a 1996 study,²¹ NHTSA found that the average inpatient cost for unbelted crash victims was 55 percent higher than for belted crash victims. In 2000 alone, seat belts might have prevented more than 142,000 injuries.

Conclusion

It is clear that seat belts save lives and reduce the risk of serious injury in the event of a crash. However, state laws still fall short of protecting all vehicle occupants in all vehicles equipped with seat belts. A comprehensive primary enforcement seat belt law should cover all vehicle occupants in all seating positions, in all vehicles, and include sufficient penalties to promote compliance with the law. By allowing police officers to stop vehicles directly for seat belt violations, North Dakota would show that it takes seat belt use very seriously.

For five decades, the NTSB has advocated for legislation requiring seat belt use in passenger vehicles. We have investigated many crashes where seat belts would have saved lives or prevented serious injuries. Since 1995, we have recommended that every state enact a primary seat belt law covering every seating position in a vehicle. Based on scientific studies and our own highway crash investigations, we are confident that a significant number of lives will be saved, and injuries prevented, if North Dakota authorizes primary enforcement of its existing seat belt use law.

Thank you again for providing us an opportunity to testify on this important issue.

²⁰ *Ibid*, p.1.

²¹ NHTSA National Center for Statistics and Analysis. *Crash Outcome Data Evaluation System (CODES) Project Seat Belt and Helmet Analysis*. Research Note (Revised). Washington, DC: NHTSA, February 15, 1996.

March 18, 2021

ND House Transportation Committee

Chairman Dan Ruby and Members of the Committee

SB 2121 Primary Seat Belt Enforcement

The American Property Casualty Insurance Association (APCIA) is composed of over 1,200 member companies and 330 insurance groups and represents the broadest cross-section of home, auto, and business insurers of any national insurance trade association. In North Dakota, APCIA member insurers provide almost 69 percent of all the insurance purchased by the state's citizens and businesses.

We urge support for SB 2121, legislation that will enhance ND law enforcing safety belt use as increased enforcement of this practice is a proven lifesaver. According to the Advocates for Highway and Auto Safety in 2017, "there were 37,133 motor vehicle crash fatalities on U.S. roads. Among passenger vehicle occupant fatalities that year, almost half, (47 percent) were unrestrained when restraint use was known. For passengers that survived fatal crashes in 2017, just 13 percent were unrestrained. Seat belt use, reinforced by effective safety belt laws, is a proven lifesaver."

Thank you.

Steve Schneider
APCIA
Steve.schneider@apci.org
312.782.7720

SB 2121
I urge a strong DO NOT PASS on SB 2121. I hope your committee will read the article that I have submitted
Thank You
Gordon Greenstein
US Navy (Veteran)
US Army (Retired)

The Fraud of Seat-Belt Laws

Seat-Belt Laws Infringe a Person's Constitutional Rights

Sunday, September 01, 2002

[William J. Holdorf](#)

[Justice U.S. Constitution](#)

On the promise of reducing highway fatalities and auto insurance rates, seat-belt laws began to pass in state legislatures throughout the United States beginning in 1985.

While such laws had been proposed before 1985, they were rejected by most state legislators since they knew the vast majority of the people opposed them. “The Gallup Opinion Index,” report no. 146, October 1977, stated: “In the latest survey, a huge majority, 78 percent, opposes a law that would fine a person \$25 for failure to use a seat belt. This represents an increase of resistance since 1973 to such a law. At that time 71 percent opposed a seat belt use law.” “The Gallup Report” (formerly “The Gallup Opinion Index”), no. 205, October 1982, report showed that a still-high 75 percent queried in June of that year opposed such a law.

Given the massive, obvious opposition to seat-belt laws, why did state legislators suddenly change their minds and begin to pass them in 1985? Simple—money and federal blackmail. According to the Associated Press, Brian O’Neill, president of the Insurance Institute for Highway Safety, said, “People have been talking about seatbelt laws and there have been attempts to pass them for well over 10 years. It’s been a snowball effect, once the money poured in.”¹

That sudden flow of money began in 1984, when then-Secretary of Transportation Elizabeth Dole promised to rescind the rule that required automakers to install passive restraints by 1990 if states representing two-thirds of the U.S. population passed seat-belt laws by April 1, 1989.² Passive restraints included air bags, which automakers bitterly opposed because, they claimed, the high expense to develop and install them would raise the price of autos way beyond what the average auto buyer would pay. Dole’s promise amounted to an invitation to the automakers to use their financial resources to lobby states for seat-belt laws, something the Department of Transportation (DOT) was forbidden to do by law, in exchange for the government’s not forcing them to install air bags. In effect, the DOT surreptitiously used the financial resources of the private sector to further the political agenda of the federal government through blackmail.

In response to Dole’s promise, the automakers created the lobby Traffic Safety Now (TSN) and began spending millions of dollars to pass seat-belt laws. That caught the attention of state legislators, and suddenly the “will of the people,” void of financial backing, gave way to the “will of the seat-belt law lobbyists,” who had millions of dollars to spend.

Besides the millions of dollars spent by TSN, the federal government added millions more by, for example, giving grants to states for achieving a certain percentage of seat-belt use and to pay the police to enforce the seat-belt law.³ And with increased seat-belt law enforcement, ticket income increased, another source of easy revenue for the state.

While TSN championed passage of seat-belt laws under the banner of reducing highway fatalities and auto insurance rates, no mention was made that the real purpose was to avoid installation of air bags.

As of 1992, TSN had spent \$93 million to buy passage of seat-belt laws in almost all states.⁴ Popular opposition to the laws sometimes made passage difficult. In most states the only way the law could be passed was to make enforcement secondary; that is, the police could not stop a motorist for not using a seat belt unless the officer witnessed another traffic violation. Some laws applied only to front-seat occupants. Exemptions were also added to help reduce opposition. In three states, Mississippi, Rhode Island, and Wyoming, the laws were passed without any penalty.

Once seat-belt laws were passed in any form, supporters returned each legislative session to lobby for amendments, such as including all occupants, increasing fines, eliminating exemptions, and changing to primary enforcement, so that the police could stop a motorist merely under suspicion of not using a seat belt.

Such action by seat-belt law supporters shows the insidious nature of such laws, and supporters continue to lobby for stricter enforcement and heavier penalties. Even the U.S. Supreme Court in 2001 added its own flavor of tyranny by ruling it was legal for a Texas police officer to arrest, handcuff, and jail a woman, and impound her car, for not buckling up herself and her children.⁵ Our nation, founded on freedom, certainly has come a long way from Patrick Henry's cry, "Give me liberty or give me death," to "Click it or ticket."

After the automakers did the DOT's bidding, the government went back on its word and mandated installation of air bags anyway. Also, the very law the automakers worked for, supposedly to save people's lives, turned on them. While using seat belts saves some lives, doing so can injure and kill others. That got the attention of lawyers. Moreover, some seat-belt systems were defective.⁶ As a result, since 1985 the automakers have faced hundreds of millions of dollars in damages in hundreds of lawsuits.

Loss of Freedom

While the hundreds of millions of dollars spent in support of seat-belt laws has been a horrendous financial burden to society, the greatest cost is really not money. It's the loss of freedom. Seat-belt laws infringe a person's rights as guaranteed in the Fourth, Fifth, and the Ninth Amendments, and the civil rights section of the Fourteenth Amendment. Such laws are an unwarranted intrusion by government into the personal lives of citizens; they deny through prior restraint the right to determine one's own individual personal health-care standard.

While seat-belt use might save some people in certain kinds of traffic accidents, there is ample evidence that in other kinds, people have been more seriously injured and even killed only because they used seat belts. Some people have been saved from death in certain kinds of accidents only because a seat belt was not used. In those cases, the malicious nature of seat-belt laws is further revealed: such persons are subject to fines for not dying in the accident while using a so-called safety device arbitrarily chosen by politicians.

The state has no authority to subject people to death and injury in certain kinds of traffic accidents just because it hopes others will be saved in other kinds of accidents merely by chance. The state has no authority to take chances with a person's body, the ultimate private property.

As for the promise that seat-belt laws would reduce auto insurance rates, there is no record of any insurance company ever reducing its rates because a seat-belt law was passed. A study released in August 1988 by the Highway Loss Data Institute compared auto-accident injury claims before and after the enactment of seat-belt laws in eight states and could find no clear-cut evidence that belt-use laws reduced the number of injuries. "These results are disappointing," the report added.⁷

Seat-belt laws have also failed to reduce highway fatalities in the numbers promised by supporters to get such laws passed.⁸ According to the National Highway Traffic Safety Administration, there were 51,093 highway fatalities in 1979.⁹ Five years later, 1984, the year before seat-belt laws began to pass, there were 44,257 fatalities. That is a net decrease of 6,836 deaths in five years, which represents a 13.4 percent decline with no seat-belt laws and only voluntary seat-belt use. In 1999, there were 41,611 fatalities. That is a net decrease of 2,646 deaths, a 6 percent decrease over 15 years of rigid seat-belt law enforcement, with some states claiming 80 percent seat-belt use. If the passage of seat-belt laws did anything, it slowed the downward trend in highway fatalities started years before the passage of such laws.

Right to Refuse

Besides such facts, a person has the right to refuse any health-care recommendation. No nonpsychiatric doctor would dare attempt to force a person to use a medical device or take a drug or have surgery or other medical treatment without full consent. Yet politicians force motorists to use a health-care device, a seat belt, against their will under threat of punishment that could include jail.

The hundreds of millions of dollars spent in support of seat-belt laws have been wasted. Not one penny of that money has ever prevented even a single traffic accident, the real cause of highway fatalities. We don't need millions of dollars for stricter seat-belt law enforcement. Instead, we need more responsibly educated drivers, safer vehicles, and better roads to prevent traffic accidents.

Individual freedom is the very foundation of our country. The American people should not accept legislators who pass laws that take liberty away while claiming to do good. History has shown this to be the easy road to power for tyrants.

There is certainly nothing wrong with voluntary seat-belt use; however, there is a great deal wrong with all seat-belt laws. As Benjamin Franklin said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

[William Holdorf](#) is a writer in Chicago.

Notes

1. "Carmakers Push Belt to Avoid Bag," Greensboro (N.C.) News and Record, May 27, 1986.
2. Final Regulatory Impact Analysis, Amendment to FMVSS No. 208, National Highway Traffic Safety Administration, July 11, 1984.
3. This goes on to this day: "U.S. Transportation Secretary Mineta Announces Grants of \$44.4 Million to Increase Seatbelt Use," in NHTSA news release no. 4-02, January 18, 2002. Summary of IRS tax-exempt form 990 for Traffic Safety Now, Inc., prepared by Seatbelt Freedom of Choice, a Wisconsin grassroots citizens group opposed to the Wisconsin seat-belt law.
4. Gail Atwater v. City of Lago Vista, April 24, 2001.
5. "Auto Seat Systems-Dangerous Safety Restraints?" Trial Magazine (Trial Lawyers of America), April 1990.
6. "Highway Loss Data Institute Insurance Special Report: Insurance Injury Loss Experience in Eight States with Seat Belt Laws, 1983, 86 Models, HLDI A-28." The Institute is an Arlington, Virginia, nonprofit public-service organization closely associated with and funded by the Insurance Institute for Highway Safety, which is wholly supported by auto insurers.
7. For example, see "Traffic Deaths Up 5%," Chicago Sun Times, January 3, 1987, and "Traffic Deaths Roll on Despite Seatbelt Law," Chicago Sun Times, July 6, 1996.
8. National Highway Traffic Safety Administration, "Traffic Safety Facts 1999," Dec

[William J. Holdorf](#)

TESTIMONY OPPOSING SB 2121

9532

Chairman Ruby and Committee members. Thank you for allowing my testimony today opposing SB 2121. My name is Craig Argabright, and I am a resident of Minot, ND.

I would like to remind the committee members of Representative Mary Johnson's very eloquent floor speech in favor of HB 1272. In paraphrasing Representative Johnson's floor speech, she enlightened the legislative body of the ever-increasing Federal Government overreach and the State of ND's need to assert its sovereignty. Just as Representative Johnson highlighted federal overreach, the ND State Legislature as well as the ND executive branch must also be cognizant to their own overreach to the independence of the individual citizens of North Dakota.

This overreach by the ND Legislature was openly portrayed by Senator Bekkedahl in his floor speech in the ND Senate chambers where he supported and sponsored this bill. During Senator Bekkedahl's speech, he alluded that the ND Legislature's thought process and reasoning is far superior to that of the individual citizens of ND. In that, during his speech, Senator Bekkedahl referred to the ND Legislature as parents and referred to the ND individual citizens as adolescents needing the guidance and authority of the ND Legislature in making decisions. Not only does that analogy portray arrogance and overreach, but it is also insulting to each individual citizen of ND.

Continuing on with regards to ND Legislative overreach, a mandatory seat belt law was initially overturned by the citizens of ND in a referendum indicating that the citizens of ND did not want such a law. ND citizens apparently did not want LEO to have the authority to arbitrarily stop vehicles primarily for a seat belt infraction as eventually ND citizens accepted a law requiring safety belts. **However, and more importantly, the authority was granted to LEO only as a secondary offense.**

Several sessions of the legislature have tried to pass legislation changing the secondary offense to a primary offense and such attempts have failed. Now again another attempt to change the law to a primary offense is being proposed. When will the ND legislature realize that the voters of ND have spoken and quit this encroachment to the individual liberty of the ND citizens as well as cease the thought process of the ND Legislature as a lecturing parent to an adolescent teenager?

ND does appear to be a somewhat hypocritical in its attempt to have a mandatory seat belt law with the thought process that seat belts save lives. I am not disagreeing with those facts and statistics. However, what I do find hypocritical is that helmets have been proven to save lives for motorcyclists, but ND does not have any type of mandatory helmet law. A person is far more likely to incur a more severe injury in any type of motorcycle mishap than a person involved in a vehicle accident without safety restraints.

In closing I would like to again reiterate that SB 2121 is just as overreaching to the individual liberty of the citizens of ND in its evolution much in the same manner as the federal government has been encroaching to the sovereignty of the State of ND. I ask the committee to be as cognizant to the individual rights of the citizens of ND as the ND Legislature is to the federal overreach on individual state's rights. I ask the committee to bring this bill to the floor with a "do not pass."

Thank you,

Craig Argabright
Minot, ND