



Primary Enforcement of Seatbelt Laws: A Means for Decreasing Injuries, Deaths and Crash-Related Costs in Wisconsin?

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Background:

Wisconsin's seatbelt use rate, at 75%, is far below the national average of 82%.¹ The current seatbelt law in Wisconsin is a secondary enforcement law. This means that police officers cannot stop vehicles solely for seatbelt use violation as they can in states with primary enforcement laws. This issue brief explores potential benefits and considerations related to a primary enforcement seatbelt law in Wisconsin. The intent of such a law would be to improve seatbelt usage and reduce injuries, deaths and costs from motor vehicle crashes in the state.

Motor vehicle crashes were the number one cause of injury death in Wisconsin in 2003², causing almost 57,000 injuries and over 800 deaths.³ Crash-related costs, including medical care, lost productivity, and property damage, were estimated to be 3.9 billion dollars for Wisconsin in the same year.⁴ Nationwide, almost three-quarters of all motor vehicle crash costs are borne by those not directly involved in crashes.⁵

A broad literature supports the effectiveness of seatbelts in reducing motor vehicle injuries and deaths.⁶ A Wisconsin study found that unbelted crash victims who made it to the emergency room were more than three times as likely to die as those who wore seatbelts. Unbelted survivors were also more likely to suffer moderate to severe injuries to the face, head, abdomen, spine and upper and lower extremities. Consequently, unbelted occupants had median emergency room charges that were 25% higher, and they were twice as likely to be admitted to the hospital from the emergency room, further increasing economic costs.⁷

Evidence on Primary vs. Secondary Enforcement

Currently, all states except New Hamp-

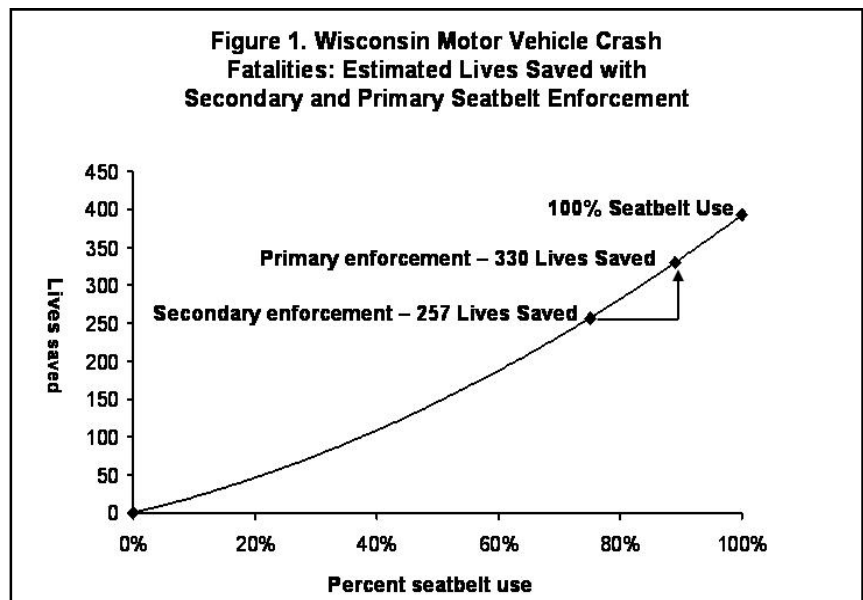
shire require seatbelt use by law. Of these, 22, plus the District of Columbia and Puerto Rico, have primary enforcement laws. The remaining states have secondary enforcement laws and restrict enforcement to drivers who have already been stopped for some other violation. Numerous organizations, including the U.S. General Accounting Office⁸ and the National Highway Traffic Safety Administration⁹, have called upon states with secondary enforcement of their seatbelt laws to switch to primary enforcement.

A review of thirteen studies conducted by the *Task Force on Community Preventive Services* found "strong evidence for the effectiveness of safety belt laws in general and for the incremental effectiveness of primary safety belt laws relative to secondary laws."⁶ Specifically, the authors found that primary laws were associated with a median increase in seatbelt use of 14 percentage points (12-23 percentage point range) and an 8 percentage point median decrease in fatal injuries (3-14 percentage point range).⁶

Further, a recent re-analysis of the studies considered in the *Task Force on Community Preventive Services* review showed that primary enforcement was effective at increasing seatbelt use even in states that already had high rates of use at baseline.¹⁰

Would Primary Enforcement Benefit Wisconsin?

A primary enforcement seatbelt law in Wisconsin could be expected to prevent an estimated 1,950 injuries, save 73 lives and approximately 220 million dollars annually in crash-related costs. Savings of lives as shown in Figure 1, and costs are based upon the median increase of 14 percentage points in seat-belt use observed with the enactment of primary enforcement laws. The least likely age group to use passenger restraint are 16-25 year olds, followed by 5-15 year old children; a 14 percent increase in seat belt use by children 8-18.5 years of age could result in an estimated 15 fewer deaths and approximately 80 fewer injuries per year for these children.¹¹ Wisconsin's recently



enacted Child Passenger Safety law includes primary enforcement of appropriate child restraint use for newborns through 7 years of age; seat-belt use by older children, like adults, is secondarily enforced, including new teen drivers operating under the states Graduated Driver Licensing statute.

Would it Cost More to Move to Primary Enforcement?

There are no known studies of additional costs associated with primary enforcement seat belt laws. Numbers of citations issued has generally stayed constant or increased slightly with the passage of a primary enforcement law.¹² This would suggest that the gain in seat belt use when a primary enforcement law is passed is mostly due to increased voluntary compliance rather than an increase in citations issued. In 2005, when legislation to enact primary enforcement was introduced in Wisconsin, fiscal estimates associated with the bill indicated no additional costs to the State, but rather an increase in revenue due to increased collections from citations.¹³

Other Considerations

Discriminatory Enforcement

The U.S. is somewhat unique in the world in the establishment of secondary enforcement provisions for seatbelt laws. Secondary enforcement has been enacted in many states in response to concerns about the potential for discriminatory enforcement of primary seatbelt laws.

While there is limited evidence on discriminatory ticketing and the switch from secondary to primary enforcement of seatbelt laws, studies conducted in a number of states and cities in the U.S. have shown no increases in the proportion of tickets issued to African Americans and Hispanics as compared to whites.^{14,15, 16,}

Further, lower seatbelt use among Hispanics and African Americans as compared to whites has been observed in a number of studies and has led to increased calls for efforts to address these disparities, including the implementation of primary enforcement laws.^{17, 15}

Organizations such as the National Organization of Black Law Enforcement Officers, and the ASPIRA Association (a

Hispanic youth organization) have supported enactment of primary enforcement seatbelt laws. The Congressional Black Caucus characterized the need to increase seatbelt use among African Americans as an “urgent national health priority.”⁸ To ensure fair enforcement of seatbelt laws, the National Highway Traffic Safety Administration encourages states that are newly implementing primary enforcement laws to invite community involvement in the planning of enforcement efforts, including creating mechanisms for monitoring enforcement and soliciting motorist feedback. Some states have taken broad steps to prevent racial profiling by enacting specific legislation and prevention measures that apply to law enforcement overall.

Personal Freedom

Consideration of seatbelt and other safety laws often raises debate over the potential for such laws to infringe on the freedom of individuals to make decisions about their own safety.

This is a long-standing philosophical debate that cannot be addressed exclusively with empirical evidence. However, public policies are often made by weighing the cost in loss of individual freedoms against the potential benefit of the policy to the community as a whole. In this case, a switch to primary enforcement has the potential to benefit the community as a whole by reducing crash-related injuries and deaths and their associated costs.

The majority of Americans appear willing to accept this trade-off of personal liberties in exchange for increased benefits to the community. A Louis Harris Poll conducted for Advocates for Highway and Auto Safety in May, 2004, showed strong support among the American public for improving highway safety through public policy interventions, with 80% supporting primary enforcement seatbelt laws.¹⁸

One-Time Federal Grants for Conversion to Primary Enforcement

In 2005, the federal government passed transportation legislation that provides one-time grants to states as an incentive to encourage the passage of primary enforcement seatbelt laws. These grants were set at 4.75 times a state’s annual highway safety allocation, and would provide for a one-time sum of approxi-

mately 15 million dollars for Wisconsin if a primary enforcement law were adopted.

Conclusion

Nearly half of the states in the U.S. have primary enforcement seatbelt laws, and the evidence shows that they result in significant public health and economic benefits.

A primary enforcement seatbelt law has the potential to significantly improve the health and well-being of Wisconsin citizens by averting injuries, saving lives and reducing crash-related economic costs.

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