



Frequently Asked Questions about Occupant Restraint Provision in HB2

What is Ohio's current restraint law for front seat occupants?

Ohio law requires all front seat motor vehicle occupants to wear all available elements of a properly adjusted occupant restraining device. Fines are \$30 for drivers and \$20 for passengers.

How would HB 2 change that law?

By revising section 4513.263 of the Ohio Revised Code to change the front seat occupant restraint provision from a secondary to a primary offense. No other changes are made.

What is the difference between a primary and secondary law?

Primary laws allow police officers to stop a vehicle and issue a citation when the officer observes an infraction. Secondary laws only allow officers to issue a citation when there is a citable primary infraction. Currently, 26 states have primary seat belt laws, including Michigan, Indiana, and Kentucky.

What can be saved by the switch to a primary law?

Lives—Decades of research clearly prove that seat belts save lives and prevent injuries. According to the National Highway Traffic Safety Administration (NHTSA), seat belts reduce a front seat occupant's risk of fatality by 45% in a passenger vehicle and 60% in a light truck; risk of moderate-to-critical injury is reduced by 50% for front seat occupants in passenger vehicles and 65% for light trucks.¹ Seat belts also prevent total ejections during a crash, an important factor in preventing fatalities, since 75% of car occupants who are totally ejected are killed.

Money—The cost of motor vehicle crashes that occurred in 2000 was \$230.6 billion.² A recent study estimated that a primary seat belt law in Ohio would save about \$15.4 million in Medicaid costs during its first year, with a minimum of \$91.2 million saved in medical costs over the next 10 years. Commercial insurance and HMOs would save \$54.2 million and medically uninsured individuals would save \$23.3 million.³

What can be gained by the switch to a primary law?

With Ohio in the midst of financial crisis, we have the opportunity to gain up to \$26.8 million in federal dollars to support infrastructure development and jobs creation. HB 2 has the potential to save lives, decrease Medicaid expenditures, and decrease costs political subdivisions pay to respond to crashes.

Also, when states switch from secondary to primary enforcement laws, seat belt usage increases an average of 13 percentage points.⁴ According to NHTSA, seat belt use averages 75% in secondary enforcement states and 88% in primary enforcement states.

How do seat belts work to prevent injuries?

Inertia is an object's tendency to resist any change in motion. Your inertia and your car's may seem the same as you travel down the road, but they are not. When a car collides with an object—another vehicle, a tree, a telephone pole—the car comes to an abrupt stop, but you continue to move forward at the 30, 50 or 70 mph you were traveling prior to the crash. You might hit the steering wheel, the windshield, or the seat in front of you; you might even be thrown from the car. Lap and shoulder belts minimize risk of injury and death by holding you into the car and spreading the destructive force of a crash over the strongest parts of the skeleton.

Is there any validity to concerns about differential enforcement?

Some people view a primary restraint law as just another excuse for police to pull people over or fear the law will not be evenly enforced across socioeconomic strata. In states with primary seat belt laws, there have been no validated complaints of racial profiling or harassment. There is no evidence to support the notion that police officers would use nonuse of seat belts as an excuse to stop a vehicle for some other reason. In fact, safety belt use enforcement is the *only* traffic violation for which some state laws do not allow primary enforcement. With that said, racial profiling needs to be addressed but on a separate level, and it should not deter from the many benefits of a primary seat belt law.

If I am injured or killed in a crash because I don't wear a seat belt, I don't hurt anyone but myself.

Those who don't buckle up cost all of us money. If you are injured in a crash, taxpayers pay the tab for picking you up off the road, delivering you to a hospital, paying the cost of any uncompensated medical care you receive, and providing you with unemployment compensation if you cannot return quickly to work. If your injuries cause ongoing disabilities, taxpayers may assume the responsibility for your and your family's continued subsistence. In fact, those not directly involved in crashes pay for nearly three quarters of all crash costs, primarily through insurance premiums and taxes.²

My friend's brother's cousin's neighbor survived his crash because he wasn't wearing a seat belt.

Some people think that being thrown clear of the car is their best chance for survival, but ejected occupants in motor vehicle crashes are four times more likely to be killed than those who remain inside. Less than one percent of crashes involve fire or water, and even in those cases your best chance for survival is to remain restrained inside the vehicle, where you're most likely to be conscious, uninjured and able to escape.

Will seat belts be required in buses?

No. Buses are extraordinarily safe vehicles, they meet stringent Federal Motor Vehicle Safety standards, are large and highly conspicuous, and have the lowest injury crash risk of any vehicle on the road. Bus occupants are protected by something referred to as compartmentalization—high, cushioned seat backs protect seated passengers from being thrown about or injured in a crash or sudden stop.

Is this really about safety, or about raising money for local police departments?

Local jurisdictions do not make any money from seat belt fines. According to section 4513.263 of the Ohio Revised Code, seat belt fines go to the state treasurer and are distributed as follows: 54% trauma and emergency medical services grants, 28% trauma and emergency medical services fund, 8% seat belt education fund, 8% elementary school program fund, and 2% occupational licensing and regulatory fund. HB 2 does not change this.

Does the public support such a law?

Absolutely. Annual phone surveys conducted by the Miami University show that at least 2/3rd of Ohioans greatly favored laws that require drivers and passengers to wear properly adjusted seat belts⁵. Also, during 2008, the vast majority of respondents continue to believe the law would confer the following benefits: Increase seat belt use in Ohio and increase safety (73%); Reduce fatalities and serious injuries from crashes (87%); Offer greater protection to drivers and passengers (89%).

1. National Highway Traffic Safety Administration. Traffic Safety Facts 2007. DOT HS 810 991, 2009.

2. Blincoe L, Seay E, Zaloshnja MT, et al. The economic impact of motor vehicle crashes, 2000. NHTSA, DOT HS 809 446, 2002.

3. Conner KA, Smith GA, Huiyun X. The Impact of a Standard Enforcement Safety Belt Law on Fatalities and Hospital Charges in Ohio: An Analysis Using 2003 Ohio CODES Data. Center for Injury Research and Policy, Columbus Children's Research Institute; 2007.

4. Cohen A, Einav L. The Effect of Mandatory Seat Belt Laws on Driving Behavior and Traffic Fatalities. Review of Economics and Statistics. 2003;85(4):828-843.

5. Robert L. Seufert (2009): Public Policy Issue Paper: Benefits of a Primary Seat Belt Law. Applied Research Center, Miami University.