



Insurance Institute for  
Highway Safety



## **Statement before the New Hampshire House Transportation Committee**

### **Research on primary-enforcement safety belt use laws**

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The Insurance Institute for Highway Safety is a nonprofit research and communications organization that identifies ways to reduce deaths, injuries, and property damage from crashes on our nation's roads. We are supported by auto insurers. Thank you for the opportunity to submit for the record research findings about the role of primary enforcement of safety belt use laws in increasing belt use and reducing fatalities.

### **Safety belt use and its effect on death and injury risk**

Safety belts reduce the risk of death to front-seat car occupants by 45 percent.<sup>1</sup> The risk of a moderate to critical injury is reduced by half. For people in front seats of SUVs, vans and pickups, safety belts reduce the risk of a fatal injury by 60 percent and a moderate to critical injury by 65 percent. The National Highway Traffic Safety Administration estimates that safety belts saved the lives of 14,668 people in 2016 and more than 66,000 lives during the five-year period from 2012 through 2016. An additional 2,456 lives could have been saved in 2016 if all passenger vehicle occupants older than age 4 had used safety belts.<sup>2</sup>

### **Primary-enforcement safety belt use laws and belt use**

Primary-enforcement safety belt use laws allow a police officer to stop and cite a motorist solely for not using a safety belt. In states with secondary enforcement, police can only enforce the law if the motorist has been pulled over for another violation first.

Today, 49 states and the District of Columbia have mandatory safety belt laws; 35 of these laws allow primary enforcement, and 15 allow only secondary enforcement.<sup>3</sup> New Hampshire is the only state without a mandatory safety belt law.

Safety belt use rates are higher in states with primary laws. The result is that crash deaths are reduced. Where primary laws are in effect, drivers are more likely to buckle up because the perception is that they're going to be pulled over if they don't.

The most recent national observational survey conducted in 2017 shows that front-seat belt use rates averaged 91 percent in primary-enforcement states, compared with 86 percent in states with other laws.<sup>4</sup> In 2016, the most recent year where belt use rates by state are available, 70 percent of front-seat occupants in New Hampshire were observed to be belted. This was the lowest safety belt use rate in the nation and was 20 percentage points lower than the average nationwide belt-use rate that year.<sup>5</sup>

Several studies have shown that enacting primary-enforcement laws boosts safety belt use. A study of six states showed that states that went from secondary to primary enforcement saw a median increase of 14 percentage points in observed front-seat belt use.<sup>6</sup> Based on drivers' self-reports, the percentage who said they never buckle up was twice as high in states with secondary-enforcement laws than in states with primary-enforcement laws.<sup>7</sup> Gains from enacting a primary-enforcement law can potentially be even greater in a state without a mandatory safety belt law like New Hampshire. A systematic review of studies that examined changes in driver belt use rates after going from no mandatory safety belt laws to primary-enforcement laws found that belt use rates increased between 20 and 50 percentage points after primary-enforcement laws were enacted.<sup>8</sup>

**Primary-enforcement safety belt use laws and traffic deaths**

Increases in belt use due to enacting primary-enforcement safety belt use laws result in fewer traffic deaths. In studies examining changes in fatalities after the enactment of primary-enforcement laws in places with no mandatory belt laws, the risk of death for occupants covered by the laws declined 3–31 percent after they were enacted.<sup>8</sup>

The Institute's research has also shown that enacting primary-enforcement safety belt use laws reduces traffic deaths.<sup>9</sup> Driver fatality rates during 1989–2003 in nine states (California, Georgia, Indiana, Louisiana, Maryland, Michigan, New Jersey, Oklahoma, and Washington) and the District of Columbia, where secondary-enforcement laws were upgraded to primary enforcement, were compared with fatality rates in 14 states where the laws remained secondary during the same period. The annual rate of

California	97	Arizona	88
Georgia	97	Louisiana	88
Oregon	96	Rhode Island	88
Hawaii	95	Utah	88
Michigan	95	Wisconsin	88
Washington	95	Kansas	87
District of Columbia	94	Kentucky	87
Iowa	94	Oklahoma	87
South Carolina	94	West Virginia	87
Illinois	93	Maine	86
Minnesota	93	Pennsylvania	85
New Jersey	93	Colorado	84
Alabama	92	Ohio	84
Indiana	92	Idaho	83
New Mexico	92	Nebraska	83
New York	92	North Dakota	83
North Carolina	92	Missouri	81
Texas	92	Wyoming	81
Delaware	91	Vermont	80
Maryland	91	Virginia	79
Florida	90	Massachusetts	78
Alaska	89	Mississippi	78
Connecticut	89	Montana	76
Nevada	89	Arkansas	75
Tennessee	89	South Dakota	74
		<b>New Hampshire</b>	<b>70</b>

primary-enforcement law     secondary-enforcement law  
 no law

passenger vehicle driver deaths per mile of travel declined in both groups of states, but the decrease was bigger in the states that changed to primary enforcement. Taking into account the timing of the change in each state and other factors that could have affected crash rates, primary-enforcement laws were associated with a 7 percent reduction in death rates.

### **Primary-enforcement safety belt use laws and rear safety belt use**

The effects of primary-enforcement safety belt use laws on belt use extend to the rear seat. Based on the national observational survey of front and rear safety belt use in 2016, belt use in rear seats was higher in states with laws requiring belt use in all seating positions (84 percent) than in states requiring belt use only in the front seat (76 percent).<sup>10</sup>

In a 2012 national survey of people 13 and older, 54 percent of respondents in states without a belt use law for the rear seat reported that they always use their safety belt in the rear seat, compared with 62 percent in states with a secondary-enforcement rear safety belt use law and 71 percent in states with a primary-enforcement rear safety belt use law.<sup>11</sup> After adjusting for demographic factors, respondents in states with primary and secondary rear-seat laws were 23 percent more likely and 11 percent more likely, respectively, to report always using a belt in the rear seat, compared with those in states with no rear-seat belt use law. In a 2016 Institute survey of adults who do not always wear a safety belt when riding as rear-seat passengers, 73 percent said they would be more likely to buckle up if they knew the driver could get pulled over if they didn't.<sup>12</sup>

### **Summary and conclusions**

Primary-enforcement safety belt use laws increase belt use and reduce fatalities. New Hampshire lags behind the nation as the only state without a mandatory belt use law. Adoption of a primary belt law in New Hampshire will result in lives saved.

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