



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Testimony Prepared for the
House Transportation Committee

March 6, 2023

By: Kelly Leben, Sheriff

RE: Supportive Testimony for Senate Bill 2362 – Primary Seatbelt

I am testifying in support of SB 2362, a bill to change North Dakota's Seat Belt Law from a secondary offense to a primary offense because this is a change to the law that I believe in.

As a 32 year veteran of law enforcement and a former 10 year instructor for the North Dakota Safety Council in the areas of traffic safety, I have lived by my belief that it takes education and enforcement to make our roadways safer in the State of North Dakota. The ultimate goal of law enforcement is not to issue traffic citations, but rather to have voluntary compliance of the law to ensure the motoring public is safe in their travels. As a part of every class I instructed to the public, I presented on the current traffic fatality statistics gathered in our state. In each class, I made a point of discussing the fact that our statistics remain very consistent each year on what is killing our friends and family on the roadways in North Dakota. The #1 cause of death on the roadways in our state is unbelted occupants. In 2022 that risk factor equated to 68% of all fatalities. In the Risk Management Industry is a quote; *if it's predictable, it's preventable*. I think statistics show us unbelted fatalities are predictable.

There will always be the argument that the decision to buckle up or not buckle up is a personal choice. In reality, that argument has already been negated, because North Dakota already has a law making the decision not to buckle up a traffic offense. This change in law would only move it from secondary enforcement to primary enforcement thus putting more emphasis on traffic safety and enforcement. Our state has other laws already established that impose requirements on the motoring public to use our roadways. These laws each have a specific purpose just like this change does and when we look at driving in our state, we must always remember, it is a privilege and not a right.

The use of seatbelts is a proven strategy in preventing serious injury and death in motor vehicle crashes. By moving our law from secondary enforcement to primary enforcement,

COURTHOUSE

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we have the opportunity to gain more voluntary compliance with the law thus reducing the amount of injury and death and the associated costs that result from these crashes. In the end, it is not about issuing citations, it's about saving lives.

Thank you for your time and consideration and please feel free to contact me with any questions you may have.

Sincerely,



Kelly Leben, Sheriff
Burleigh County