

**2019 SENATE TRANSPORTATION**

**SB 2060**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Lewis and Clark Room, State Capitol

SB 2060  
1/4/2019  
30437

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Liz Stenehjem

### Explanation or reason for introduction of bill/resolution:

Relating to the amount of statutory fees and the use of safety belts; Relating to secondary enforcement of safety belt requirements; and to provide a penalty.

### Minutes:

4 Attachments

**Chairman Rust:** Called the committee back to order. Opened hearing on SB 2060.

**(00:50) Senator Kreun:** Introduced SB 2060. This bill essentially changes two components of our current seatbelt law. First it changes the law to a primary enforcement law and second it requires everyone in vehicle to wear a seatbelt. Current law does not require backseat passengers to wear a seatbelt after a certain age. There are two big concerns to consider, out of 91 fatality crashes in 2017 in North Dakota, 55% were not wearing seatbelts. Also, North Dakota ranks 49<sup>th</sup> in the use of seatbelts according to the American Health Ranking. The main point of this is how traumatic, devastating and heartbreaking this type of an event can be and how simple it is to avoid by just wearing a seatbelt in many cases. The problem when a death occurs, especially when it's the wage-earner, first they go through their health insurance, then they go through their auto insurance, their savings and the maximums are all met. At some point they become dependent upon Medicaid or rehabilitation programs or some other program we have in North Dakota. See **(3:49) Attachment #1** for more information. My father was a Minnesota State Trooper for 23 years and at his retirement he said "I never unbuckled a dead person." Part of the problem we have is a lack of urgency to wear seatbelts. We need to create the urgency again.

**(8:20) Senator Dwyer:** Could you articulate the balance between us as a state doing something to achieve the benefits as you have laid out here versus infringing on people's freedoms?

**(8:41) Senator Kreun:** We in the legislature do this all the time, we have to balance the rights that we have as individuals versus the cost to society. As indicated in **Attachment #1** the cost to society is higher than I believe what we give up. We already have the secondary enforcement law. People may say the law enforcement will just go around picking on that. There are many other things that you can get pulled over for, it's not hard to find something to pull someone over for if you really want to.

**(10:16) Vice Chairman Clemens:** So does the 55% fatality rate mean that 45% of fatality accidents were wearing seatbelts?

**Senator Kreun:** That is correct. Seatbelts don't protect you from everything. However, if 60% or 70% were wearing seatbelts potentially those wouldn't be deaths.

**Vice Chairman Clemens:** I know education is working, because if my grandchildren are riding with me they make sure I'm wearing my seatbelt. So the younger generations are going I think we will see a lot more use of seatbelts.

**(12:50) Senator Patten:** Can you please explain the difference in primary versus secondary? Also there is a change in fines correct?

**Senator Kreun:** Correct the fines have changed. The secondary enforcement mean you cannot be pulled of simply for not wear your seatbelt, there must be another violation before law enforcement can stop you. Whereas a primary enforcement means law enforcement can stop you for it and cite you for just that.

**Senator Bakke:** Is there a reason you stopped at 11 passenger vehicles?

**Senator Kreun:** There are other laws that go back into the 11 and 12 passenger van and such, but they are in a different category. The still do require seatbelts in most cases. Back to the seatbelts in school buses, the development of seatbelts in school buses has been researched numerous times. In the development and construction of the buses – especially the newer ones – are vastly better than older buses. For one thing the seats made differently. The biggest issue is the buses will actually tip over or actually roll over. If that were to happen and children were buckled in seatbelts there would be hanging upside down could potentially be injured while trying to free themselves, because of the height of the bus. Research has shown the seatbelts in a bus don't create the kind of safety as they do in a vehicle.

**Chairman Rust:** Review of bill. I want to remind people that we will have an additional hearing on this bill for NEW testimony do to the fact not everyone who wanted to testify could be here today.

**(19:45) Mike Gerhart, North Dakota Motor Carriers Association:** Our mission is to promote highway safety, so we're in support of SB2060. The Federal Motor Carrier Safety Administration did a study regarding seatbelts. Through the study they gleaned that in states where there is a primary seatbelt laws commercial vehicle drivers are safer because there is a greater compliance. The study also cited that in those same states there is an enhanced safety to the motoring public because when the motoring public is involved in an accident with a commercial motor vehicle and they are buckled up they are better protected. I recently retired after 26 years of service with the State Patrol, and I can tell you this legislation before you will save lives, without question. I would encourage a Do Pass on this bill.

**(22:00) Kari Mongeon, North Dakota Department of Transportation: Attachment #2:** See **Attachment #2** for testimony and more information.

**(28:09) Aaron Birst, North Dakota Association of Counties: Attachment #3** See **Attachment #3** for testimony and more information.

**(30:04) Patrick Ward, State Farm/Association of North Dakota Insurers and Member Companies:** For all the reasons already articulated we support primary enforcement of seatbelts and urge a Do Pass.

**Chairman Rust:** Is it fair to say that my insurance premiums are going up to cover those people who choose not to wear their seatbelts and are involved in an accident?

**Mr. Ward:** I believe it is.

**(32:22) Gaylon Becker, citizen:** I'm in favor if this bill, but I have a question. What would the requirement be for older vehicle, such as classic cars?

**Chairman Rust:** That is something we would have to ask the Highway Patrol.

**(34:18) Don Larson, General Motors:** In the interest of time I won't get into the things already discussed. General Motors is a big proponent of a primary enforcement seatbelt law. The seatbelt is the main safety device we install on all vehicles. While every day our companies are working to increase the safety and security of the vehicles the seatbelt is still the number one safety device.

**(35:20) Wade Kadrmas, North Dakota Highway Patrol: Attachment #4** See **Attachment #4** for testimony. In regards to the question about the year, make and model of vehicles being included, it's already in the Century Code; every passenger car manufactured or assembled after January 1, 1965 must be equipped with lap belt assemblies.

**Senator Bakke:** When the enforcement is changed from secondary to primary, that means you can be stopped if you're not wearing your seatbelt, is that correct?

**Mr. Kadrmas:** That is correct. You can be stopped no different than if you had a tail light out, or what's considered "white light to the rear." If you're driving around at night and any law enforcement officer observes a vehicle with white light visible to the rear can be stopped right now.

**Senator Bakke:** Asked for further clarification on primary enforcement.

**Chairman Rust:** We will now take testimony in opposition to SB 2060.

**(38:33) David Hafner, citizen:** There are situations that may cause death if you wear a seatbelt. A little over two years ago I was hauling a load of hay and as I entered the hay yard flames came through my truck. I didn't have time to take the truck out of gear or turn it off, I only had time to open my door and jump out. I was on fire! I appreciate the statistics presented by everyone in favor of this bill, but I do not believe I would be here today if I had been wearing a seatbelt and had to look for the device to unbuckle myself before I could jump out.



There were some young ladies from Dickinson driving in unfamiliar territory ending up in water unable to get out of the vehicle. So I ask who is the right person to make this decision?

**(41:40) Lawrence Bitner, citizen:** I was with the seatbelt fighting committee back in the nineties. In my opinion the only reason the seatbelt law finally passed was because of the way it was worded on the ballot. I oppose the seatbelt drastically because I believe it a communistic type law a dictator law. I'm the one who should decide if I die in a vehicle crash. If the state passes this law and someone dies and are wearing a seatbelt, can the state be sued?

**Chairman Rust:** I believe the state can be sued. However, we will find out more information about that.

**Mr. Bitner:** I also believe the seatbelt laws are used as training for rookie officers, teaching them how to write tickets. The other thing is when they find a dead spot and there isn't a whole lot going on law enforcement go around writing seatbelt tickets. Not only should this bill not pass, but the seatbelt law we currently have should gotten rid of all together. Seatbelts cause a false sense of security. People think if they're wearing their seatbelt they can take more risks in their driving habits.

**(48:56) Tyler Morrow:** I see a lot of issues with this bill, it talks out of both sides of its mouth. The very aspect of talk, well a bus might do this, and therefore we don't want buses to have seatbelts is an admission that there are situations in which a seatbelt is not optimal, and that could be any vehicle. There three calculations that will have to be made by law enforcement if this passes, first is that vehicle made to hold 11 passengers or 12? Second what year was that vehicle made, was it before 1965? Then they have to be able to tell if they are wearing their seatbelt. I urge you to try to see if someone is wearing their seatbelt or not driving down the highway. I don't trust the "based on training and experience," and the supreme is getting there too where they don't trust "based on training and experience" either. Those calculations would need to be done immediately. Mail carriers are exempt from this bill. If we want to save everyone and the seatbelt will do it, don't we care about mail carriers? There is also "if all safety belts are in use by other occupants," so does that mean we can have 6 passengers in a vehicle with 5 seatbelts, what does the sixth passenger do, not wear a seatbelt? Is that a crime under this bill? Perhaps just raising the fine as proposed in this legislation will have the same effect as changing the secondary enforcement to primary. People will probably think about it a little bit more about whether or not they choose to wear their seatbelts if the fine is higher. In reference to the statistics stated earlier, the standard deviation on those is a coin toss. Whether you live or die while wearing your seatbelt is a coin toss (with standard deviation) when you get into that 50/50 range I think we all realized that. We all know there are some accidents you won't survive no matter what. The insurance companies testified this would save money, what no one is calculated is there will be accidents that would have caused a fatality and now is going to be a serious injury and there will be a cost for the rest of their lives. Not to mention the morality of it. Who is to decide whether there is a fatality versus a serious lifelong injury?

**Senator Dwyer:** Clarified information on whether or not suing the state would be possible.

**(58:00) Chairman Rust:** Clarification on committee procedure for bills. Committee adjourns for the day.

# 2019 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Lewis and Clark Room, State Capitol

SB 2060  
1/10/2019  
30651

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Liz Stenehjem
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### Explanation or reason for introduction of bill/resolution:

A bill relating to the amount of statutory fees and the use of safety belts; relating to secondary enforcement of safety belt requirements; and to provide a penalty.

### Minutes:

8 Attachments
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**Chairman Rust:** Called to order the hearing on SB 2060.

**Senator Kreun, District 42:** I won't go through the testimony they I presented during the previous hearing, but there are two things I'd like to point out. First, within a week of our last testimony there was another death without a seatbelt by a 74-year-old man. One vehicle was making a U-turn and the other vehicle hit him in the side and died. He simply was not wearing his seatbelt. Secondly, this is all for the human concept of what the tragedies that take place are of not wearing your seatbelt. You can do all the statistics and say it doesn't work, it doesn't work. The statistics are very strong that seatbelts do prevent deaths. One of the things I started on during the last hearing is that there is currently no law requiring the use of seatbelts in the backseat. The statistic that we have never mentioned before is your chance of perishing, dying in the front set with a seatbelt on with an unbuckled backseat passenger is twice as much as before. A flying projectile will kill that front seat person who is wearing a seatbelt, and the unbelted rear passenger becomes just that, a projectile. I don't think we have emphasized enough the importance of the rear seat passengers being buckled up as it is for the front seat passengers.

**(2:48) Chris Price, Director of Emergency Medical Systems, North Dakota Department of Health; and Mandy Slag, Injury Prevention Program Director, North Dakota Department of Health:** See **Attachment #1** for testimony.

**(9:25) Carma Hanson, Coordinator Safe Kids Grand Forks:** See **Attachment #2** for testimony and additional information.

**(17:50) Gene LaDoucer, AAA-The Auto Club Group, and Team Lead for North Dakota Vision Zero Young Driver Emphasis Team:** See **Attachment #3** for testimony and additional information.

**(20:05) Leighton Yates, Senior Manager of State Government Affairs, Alliance of Automobile Manufacturers:** I would like to express our strong support of SB 2060. For those of you not familiar with the Alliance, we are a trade association that represents twelve of the world's leading car and light duty truck manufacturers. Seatbelts have saved more lives than any other safety system in today's passenger vehicles and their usage maximizes the potential of other safety systems within the vehicle as well. Changing from secondary to primary enforcement seatbelt laws in other states has increased seatbelt use on average by 10%-15% in just the first 2 years and helps reduce the incidence of death and injury. This change also helps to decrease traffic crash related health costs attributed to medical costs as well as work loss. By eliminating the secondary enforcement provisions in the state's existing seatbelt laws law enforcement officials will be able to stop and ticket seatbelt violators as they can for any other traffic infraction. This is not a radical proposition or an infringement on personal rights, this is about safety. Seatbelt laws already exist in North Dakota and the issue surrounding SB 2060 is enforcement. As a side note 34 states have already addressed such laws in their own respective jurisdictions. The seatbelt is the vehicle primary passenger safety feature with the sole purpose of preventing occupant injuries or fatalities. This no cost bill is a great opportunity for the legislature to positively impact the safety of North Dakota drivers. For this reason and those outlined above, we urge your do pass recommendation on SB 2060.

**(22:19) Bill Wocken, North Dakota League of Cities:** See **Attachment #4** for testimony.

**(24:07) Donnell Preskey, North Dakota Association of Counties, Executive Director of North Dakota Sheriffs and Deputies Association:** The North Dakota Sheriffs and Deputies Association passed a resolution in October supporting the primary enforcement seatbelt law. One of the reasons is that North Dakota has 10,000 miles of county roads and protecting those drivers on those roads is an important part of what our county's responsibility is. It is unfortunate that the largest number of fatal crashes in 2007 occurred on county roads. Here today I have Kelly Leben to provide testimony from a Sheriff's perspective.

**(25:28) Kelly Leben, Sheriff Burleigh County, Instructor for North Dakota Safety Council:** See **Attachment #5** for testimony.

**(27:55) Chairman Rust:** How do you really detect whether or not someone is wear a seatbelt while driving down the road? Furthermore, how could you tell if a backseat passenger is wearing a seatbelt or not when they have tinted windows?

**(28:32) Sheriff Leben:** The backseat is obviously going to create a harder dynamic, because it's not as visible especially like you pointed out the tinted windows are another dynamic. When we do enforcement of the traffic laws out on the roadways, we always give the benefit of the doubt to the operator of the vehicle. Most times what we will see prior to a traffic stop when you pass a car, especially at slower speeds, when we look you're able to see the registration of the vehicle with the use of the front plate and also law enforcement officers will look for that tell-tale sign of the seatbelt strap coming down across. Its surprisingly very visible when you look, but again sometimes you may or may not be able to see that. Often times what we will see on traffic stops is when an officer makes that stop and the offender's vehicle comes to a stop you'll see that quick pulling over of the seatbelt. So again it's not going to be easy, this is difficult enforcement. I can tell you when we do work special enforcement on

occupancy protection our officers will put themselves in areas where they are able to see due to low speeds of vehicles and most often they're stationary.

**(30:20) Representative Owens, District 17:** I stand here today in favor of this bill for the same reason that I brought this bill many times before, I am singularly focused on limiting the dangers of DUIs in the state. We have our officers trained to notice whether you're wearing your seatbelt or not. In the past we've had a number of single car roll overs where alcohol was involved. The unique aspect in each of those cases was there were no seatbelts used. It's always been brought to my attention, I've always wondered about it, say a police officer sees someone driving, they may not be driving erratic, because the first thing a drunk knows they're not supposed to do is drive. They get in the car, they're focused on how they're driving the car, they forget to put their seatbelt on and the officer sitting there notices they don't have their seatbelt on but can't stop them because it's a secondary enforcement law. The drunk driver continues on half a mile and runs a stop sign and kills somebody. It could have been prevented had that officer that saw them without their seatbelt could have stopped them at that point it would mess up the time line, but we would prevent that from happening. But we will never know, because we will never have the proof of that. If they do stop them, we won't have the proof that they stopped them and prevented it and if they don't stop them we don't know if they saw that and had the opportunity to stop them before the event occurred. I think this is a very important bill to help reduce the number of DUIs in the state and give the officers one more tool in their toolbox to get the drunks off the roads and that's always been my focus.

**(32:33) Terry Weaver, Traffic Safety Program Manager, North Dakota Safety Council:** See **Attachment #6** for testimony and additional information.

**(35:07) Brian Barrett, Lobbyist, Emergency Medical Service Association:** I am just here to say that we support SB 2060.

**(35:40) Senator Fors:** Looking at the hand out you gave it states 643 people died on North Dakota roads, and of those people killed in car crashes where seatbelts applied 318 were not wearing a seatbelt. So is that statement saying more people were killed that were wearing seatbelts?

**(36:33) Ms Weaver:** I will have to go back to our department and look at the numbers that those were pulled for and get back to you with an answer.

**(38:07) Sergeant Wade Kadrmas, Safety and Education Officer, North Dakota Highway Patrol:** See **Attachment #7** for testimony (supplemental testimony/information from prior hearing on 1/04/19

**(44:34) Senator Clemens:** So a farm vehicle over 20,000 pounds could be transporting between the farm and the local area which I suppose could be up to 20, 30 miles they're not required to wear a seatbelt?

**(45:02) Sergeant Kadrmas:** That is correct, as long as it is register as a farm vehicle, has a farm plate, and I know there are some farmers that do commercial operations in the winter so they have commercial plates, DOT does have enough information that they can designate

that vehicle as a farm vehicle as well, so that would be considered a farm vehicle within the state as well.

**(45:24) Senator Clemens:** What is the reason for that exemption? They're exposed to the same danger as anybody else is. If that's the purpose of seatbelts, why aren't they required to wear them?

**(45:37) Sergeant Kadrmas:** That comes down through the Federal Motor Carriers Safety Administration and the USDOT.

**Senator Clemens:** So that's a federal exemption?

**Sergeant Kadrmas:** Yes, that's part of the federal exemption.

**Chairman Rust:** Called for further testimony in favor of SB 2060, hearing none, called for testimony in opposition to SB 2060.

**(46:36) Ralph Muecke:** I don't know I'm so much against the seatbelts, it kind of makes me scratch my head a little bit in a way though because, it's almost like giving somebody medicine to treat the symptoms and not the cause. I had my pickup in the shop the other day and the guy gave me his wife's car to drive home and it was so small I could barely get into it. Once I got in there was no place I could go, so a seatbelt wouldn't have done me any good. I see these terribly bright headlights as being an even bigger problem. Why isn't something being done about that?

**Chairman Rust:** We are talking about seatbelts right now.

**Mr. Muecke:** It's all related. I see them as being related because you're so blinded, that right there can cause a heck of an accident. It's to the point already that my wife and I we hate to drive at night already for that reason. You meet somebody with really bright lights, I know you're not supposed to do it, but I flash them, I flash them to try to make the person dim their lights. A lot of them absolutely refuse to do it. They pass you and you're trying to see in all kinds of colors. Now some of them that do dim when you flash them, their lights were already on dim and then they turn them on bright and holy Moses was that bright.

**Chairman Rust:** Sir if you could kind of keep it to seatbelts we would appreciate it.

**Mr. Muecke:** I am keeping it to seatbelts, but I see this as a bigger hazard. If you're wearing a seatbelt, the seatbelt isn't going to do you any good when it comes to that. I'm happy with the secondary seatbelt the way it is. I wear a seatbelt, but you get to thinking about it they just aren't doing the job they're intended to be.

**Chairman Rust:** See **Attachment #8** for further testimony from **David Hafner**.  
Closed hearing on SB 2060.

# 2019 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Lewis and Clark Room, State Capitol

SB 2060  
1/17/2019  
31024

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Liz Stenehjem

### Explanation or reason for introduction of bill/resolution:

A bill relating to the amount of statutory fees and the use of safety belts; relating to secondary enforcement of safety belt requirements; and to provide a penalty.

### Minutes:

0 Attachments

**Chairman Rust:** Brought discussion to SB 2060. In my estimation the bill does 4 things; it makes the seatbelt law a primary enforcement; it says that everybody, front-seat and backseat has to wear a seatbelt (so it includes the rear-seat passengers); and there is a fine. Asked for discussion.

**Senator Patten:** Understanding that there are some strong opinions on both sides of this and a person could understand. When I listened to the testimony I think those in favor were much more compelling in my mind, as it related to a reason to go to a primary enforcement law. As I think it was Aaron Birst said, it is actually the law right now that you wear a seatbelt, you just get a pass unless you committed another violation.

**Senator Clemens:** I listened to the testimony, of course and I agree there were probably more here in favor. But, then from constituents, other than that one email we got the had a lot of names in it supporting the bill, I've got people talking to me that don't want to bill. So I guess just for the sake of the argument her I'm on the other side, not favoring bill. I don't know exactly what, if you were to a fair analysis of the public where they would be at. There was a poll done by I think some of the people that were supporting the bill, it showed more people wanted it. But then, I think it was the day or the night of the hearing, on the local new it was like 57/42 that were against the change. That's just letting you know where I'm at.

**Senator Dwyer:** I motion a **DO PASS**.

**Senator Bakke:** I second the **DO PASS** motion.

**Roll Call Vote was taken:**  
**Total was 3-3-0 Motion Fails**

**Chairman Rust:** Before we have the next motion. I agree the testimony we got here was overwhelmingly in favor of it. But, people that contacted me (I asked them to send me a text, send me an email, talk to me) and it's really close in my district, to about 50/50 you've got those that want it and those that don't.

**Senator Bakke:** Do you think the heartburn is over the requirement that they wear the seatbelt or the fact that it's going from a secondary offence to the primary? Which is the part that they have more of the problem with? Both?

**Chairman Rust:** Up in our area, small towns you have people who drive 3-4 blocks to the post office. They get in their car they drive to the post office without a seatbelt, they go out of town they have a seatbelt on. They really kind of feel it's an intrusion into their personal liberties. That the government, just because some people think it's a good idea to give them should not be in the business of forcing everybody. That's kind of where they're from. Most of the people that talk to me tell me they wear their seatbelt almost all the time when they're on the road, but there are times that they don't and they don't want to have some policeman stopping them because they're between their house and the grocery store and get fine for not wearing a seatbelt.

**Senator Bakke:** So it sounds to me like the issue for them is more that they don't want it to be a primary enforcement. Because if it's secondary the police can't stop them in that small town just for not wearing their seatbelts. So do we just want to do an amendment on this bill that says you must wear your seatbelt in the backseat but it's still secondary? I mean, I'm just trying to find a compromise position on this. Because, I get that position, and I'll be honest will you, when I'm in town, I rarely put my seatbelt on; and I know I should and my grandchildren yell at me and my children yell at me, but when I'm on the road I have my seatbelt on. So I understand that position, but I also understand from when I looked at who stood up there and said this is important and we need to do it, versus those people that came to it and the reasons they had for not wearing it didn't seem as compelling. That was just my opinion.

**Chairman Rust:** Senator Bakke I would say that every one of the people that testified were zeroing in on primary enforcement, and I think if we did an amendment to soften this and say you have to have them in the backseat but it's still secondary those people would not be very happy. To be really honest. I mean every one of them that I thought was up there saying it needs to be primary, it needs to be primary, it needs to be primary. So I don't know that and amendment is going to be very appealing to any one of them.

**Senator Clemens:** To answer your question, the people who talked to me never said anything about the penalties and they wear seatbelts. But they don't want to be told they have to wear it. There might be some occasions where they're not going to wear it and they don't want to be told they have to, but basically they wear them. I also got the sense they did want us messing with this bill and putting any further restrictions on seatbelts.

**Chairman Rust:** Do you have a motion for me?

**Senator Clemens:** I make a motion for a **DO NOT PASS**.



**Senator Fors:** I second the **DO NOT PASS** motion.

**Senator Dwyer:** I'll just say this, that I think we're all reluctant to impose regulations on our public. We are a conservation state and were not really interested in overregulating, having the government telling people what they do. But in this case we're talking about life, and it's proven that those states, those 33 states that have primary enforcement seatbelt laws, their seatbelt usage has gone up, anywhere from 9%-11% and that results in lives being saved. There is a societal cost as the people testified, both in terms of injuries and deaths, and if you've lost a family member who wasn't wearing a seatbelt it's a tremendous tragedy and impact. While we're very reluctant to impose regulations on people and have the government tell them what they can and cannot do, this one goes to the very issue of life and that is why I support it.

**Senator Clemens:** I agree with Senator Dwyer that this is about life. I believe that there are some lives that are saved by using seatbelts, but people from birth to 18 are already primary enforcement under our current law. I was a little surprised today when we heard testimony; and we'll probably do some work with the bill; but the bill we got today was going to allow minors to on highways to ride in a pickup box. I'm having a hard time figuring out, on one bill which is already law, it's a primary offence for anyone under 18 to not wear a seatbelt. Now today we get another bill saying it's ok for those same kids to ride in the back of a pickup down the highway, with the farmer exemption of course.

**Roll Call Vote was taken:**  
**Total was 3-3-0 Motion Fails**

**Senator Bakke:** I move a **WITHOUT COMMITTEE RECOMMENDATION**

**Senator Patten:** I second the motion.

**Senator Bakke:** I think we're just deadlocked and I think now we present it as fairly as we can to the Senate and let them vote as they see fit and go with that.

**Senator Patten:** I hope we don't have one person missing tomorrow, and have a 46-member Senate vote on it.

**Chairman Rust:** As I think about this, it probably is something where as a state we're probably in that range of being 50/50 anyways so why wouldn't it be 50/50 here, you know if you think about it.

**Roll Call Vote was taken:**  
**Total was 6-0-0 Motion Passes**  
**Carrier will be Senator Dwyer**

**Chairman Rust:** Let me tell you the way I see this working, and in the past it's the way I've seen it. The carrier should get up and give the happenings of the committee and tell them it's going to them without committee recommendation. Then you can do one of two things, you can sit down; because the carrier of the bill, believe it or not can get up as many times as he wants and so can the committee chairman I guess. The other option is to. Since you are in

favor of the bill, I believe once you've gotten down to saying we're bringing this to Senate without recommendation, you could say something to the effect of "Mr. President may I continue?" and then inform the Senate that as a member of the committee you voted in favor of this bill and give your reasons why. Then I would think there would be probably some of this committee that might want to get up and say why you voted the other way.

Date: 1/17/19  
Roll Call Vote # 1

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO: 206D

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Dwyer Seconded By Bakke

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman		<input checked="" type="checkbox"/>	Senator Bakke	<input checked="" type="checkbox"/>	
Senator Clemens - Vice Chairman		<input checked="" type="checkbox"/>			
Senator Dwyer	<input checked="" type="checkbox"/>				
Senator Fors		<input checked="" type="checkbox"/>			
Senator Patten	<input checked="" type="checkbox"/>				

Total (Yes) 3 No 3

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1/17/19  
Roll Call Vote # 2

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO: 2060

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Clemens Seconded By Fors

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	<input checked="" type="checkbox"/>		Senator Bakke		<input checked="" type="checkbox"/>
Senator Clemens - Vice Chairman	<input checked="" type="checkbox"/>				
Senator Dwyer		<input checked="" type="checkbox"/>			
Senator Fors	<input checked="" type="checkbox"/>				
Senator Patten		<input checked="" type="checkbox"/>			

Total (Yes) 3 No 3

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO: 2060**

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass    ☐ Do Not Pass    ☒ Without Committee Recommendation  
☐ As Amended    ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider    ☐ \_\_\_\_\_

Motion Made By Bakke Seconded By Patten

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	✓		Senator Bakke	✓	
Senator Clemens - Vice Chairman	✓				
Senator Dwyer	✓				
Senator Fors	✓				
Senator Patten	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Dwyer

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2060: Transportation Committee (Sen. Rust, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** SB 2060 was placed on the Eleventh order on the calendar.

**2019 HOUSE TRANSPORTATION**

**SB 2060**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

SB 2060  
3/1/2019  
#33069

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Jeanette Cook
--------------------------------

### Explanation or reason for introduction of bill/resolution:

A BILL relating to the amount of statutory fees and the use of safety belts; and relating to secondary enforcement of safety belt requirements; and to provide a penalty.

### Minutes:

Attachment # 1-16
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**Chairman Ruby** opened the hearing on SB 2060.

**Senator Curt Kreun, District 42**, introduced SB 2060. The bill changes two portions of Century Code. It changes the seat belt law to a primary enforcement law. It also requires everyone in the vehicle to wear a seat belt, even the back seat. We can do a better job of reducing fatalities and injuries in the state of North Dakota. Out of 91 fatalities in North Dakota, 55% weren't wearing a seat belt. This bill won't save every life, but it may help. According to the American Health we rank 49<sup>th</sup> in the U.S. for seat belt use. The main point is these issues are very traumatic to people involved. If we can reduce this tragedy, it is one of the things that we need to focus on. It is easy to fix; we just need to put the seat belt on. When there are accidents like this we also spend millions of dollars through Medicaid and Medicare in just the first instance that people are being taken care of after an accident. That affects our Medicaid and Medicare programs, and what we pay for it. After an accident people may also be disabled, which is another cost that we pay for. The primary reasons that we are doing this are to save lives, prevent injuries, and save the long term cost involved. It is proven that just because kids buckle up when they are young, they won't do it the rest of their lives. Many young people are killed and injured while having an accident and they are not buckled up. This is not about giving law enforcement one more reason to pull us over. It is about safety for drivers. There is no fiscal note on this bill; it won't cost a dime. See attachment #1.

**Vice Chairman Rick C. Becker:** How did we come by the numbers in the attachment (1)?

**Senator Kreun:** Those are numbers that the Privacy Act would let us use from Medicaid files. They are not names or people, just the numbers that we paid for Medicaid, that the primary cost was from an unbelted accident.

**Vice Chairman Rick C. Becker:** I am trying to find a connection when Medicaid pays for injuries via CPT codes; where is the connection from the Department of Transportation.



**Senator Kreun:** This didn't come from the Department of Transportation, it came from Health and Human Services.

**Vice Chairman Rick C. Becker:** But it says individuals identified by the Department of Transportation.

**Senator Kreun:** They were identified by the Department of Transportation as not wearing a seat belt, but the costs came from Health and Human Services.

**Chairman Ruby:** There is no breakdown of age. Do you know how many were under age 18?

**Senator Kreun:** We couldn't do that.

**Chairman Ruby:** I know from having teenagers that when they get out on their own, they do not always buckle up, even though the seat belt law is primary for those under 18. So, do you think the extra enforcement will have more effect on those over 18?

**Senator Kreun:** Question not answered.

**Chairman Ruby:** There is a number of people that get tickets for not being buckled up, and the ticket will increase to \$50. Why isn't there a fiscal note?

**Senator Kreun:** It will go to the Common Schools Trust Fund, not into the General Fund.

**Vice Chairman Rick C. Becker:** I'm looking at ICD-10 codes on the computer. I don't see where it says belted or unbelted. If there is not a code for that, how does Human Services know whether they were belted or not?

**Senator Kreun:** It is my understanding that when I asked for the information it was put together at Human Services with the information from the Department of Transportation. That's all I know.

**Terry Traynor, Executive Director of North Dakota Association of Counties, Vision Zero,** provided written testimony for the committee giving crash statistics in North Dakota. See attachment #2.

**Shawn Doble, Watford City Chief of Police,** provided written testimony to urge a DO PASS on SB 2060. See attachment #3.

17:00

**Karin Mongeon, Safety Division Director for the North Dakota Department of Transportation,** spoke to support SB 2060. Written testimony was provided. See attachments #4-5.

23:10

**Vice Chairman Rick C. Becker:** There is a lot of focus on cost savings. I don't know how deeply it has been analyzed, or it is just that serious injuries cost a lot of money and the taxpayers pay for it? It is one thing to say we want to save lives, but is it a cost analysis to show what the net effect would be?

**Karin Mongeon:** Our analysis with Medicaid, which is not complete yet, would focus on just the actual cost to Medicaid.

**Chairman Ruby:** According to the chart, there are 9 states that have lower usage than we do. Two of those have primary seat belt laws, and both of them have \$5.00 more in penalty. How do we feel

that we are going to jump significantly by doing this? And our penalty will be more than double. We are outperforming two primary states right now.

**Karin Mongeon:** There will always be some anomalies in the data. A lot of states have reported that the level of seatbelt use is related to the level of enforcement that they commit to.

**Representative Nelson:** Do we have any data that splits out the backseat seat belt use?

**Karin Mongeon:** I don't have it here, but we have analyzed that data. The backseat passenger seat belt use is lower.

**Representative Nelson:** Was there any talk of fining the backseat person \$50 rather than the driver to make them responsible?

**Karin Mongeon:** Not to my knowledge.

**Terry Weaver, Traffic Safety Manger, North Dakota Safety Council,** provided testimony in support of SB 2060. See attachment # 6-7.

29:00

**Sgt. Wade Kadrmas, Safety and Education Officer from North Dakota Highway Patrol,** spoke in support of SB 2060 and provided written testimony. See attachment #8.

38:00

**Representative Grueneich:** If this is truly about safety, why are we raising the fines?

**Sgt. Wade Kadrmas:** To me it is important for everyone to wear their seat belts. We understand that wearing a seat belt increases their safety in a crash, and we support that.

**Representative Paur:** Are you just looking for a reason to stop someone, so you can then give them a seat belt violation?

**Sgt. Wade Kadrmas:** No, usually it is done in conjunction. An officer is looking for speeding violations, headlights out, tires too wide, etc., then they would give a seat belt violation if the driver wasn't belted up.

**Representative Paulson:** What percentage of the time would an officer cite someone for a seatbelt violation compared to the times that they were just warned and educated?

**Sgt. Wade Kadrmas:** That would be up to the individual officer. Law enforcement's job is the side of enforcement, but some individuals might learn just from being stopped. Some might learn or voluntarily comply after receiving a citation. There are warnings being issued.

**Representative Owens:** Do you look for a primary offense and THEN look for a secondary offense?

**Sgt. Wade Kadrmas:** Yes.

**Representative Jones:** Will the primary belt enforcement include points against drivers?

**Sgt. Wade Kadrmas:** That is not part of the bill.

**Mike Gerhart, Executive Vice President of the North Dakota Motor Carrier's Association,** spoke in support SB. Written testimony was provided. See attachment #9.

**Ryan Gellner, North Dakota Association of Counties and the North Dakota County Commissioners' Association**, spoke to support SB 2060. Written testimony was provided. See attachment #10.

54:50

**Kristen Jones, Coordinator of Safe Kids Grand Forks**, spoke to support SB 2060 and provided written testimony on behalf of **Carma Hanson**. See attachment #11.

1:02

**Vice Chairman Rick C. Becker**: I see in the data you provided that North Dakota is currently seeing an increased use of seat belt use without a primary seat belt law. Doesn't that show that we are on our way voluntarily to greater usage without any mandate?

**Kristen Jones**: The data shows that the primary seat belt law will cause seat belt usage to increase even more, and that is what we want.

1:04

**Chris Price, Director of the Division of Emergency Medical Systems for North Dakota Department of Health and a paramedic**, spoke to support SB 2060 and provided written testimony. See attachment # 12.

1:09

**Representative Nelson**: Are responders also injured because someone doesn't use their seatbelt?

**Chris Price**: I can't provide any statistics on the mental injuries of first responders. I can say personally, that it is hard to attend someone that has senselessly lost their life, and the outcome could have been different if they had been wearing a seat belt.

1:11:00

**Bill Wocken, North Dakota League of Cities**, spoke to support SB 2060 and provided written testimony. See attachment # 13.

**Representative Paur**: Motorcycles are inherently dangerous, but would you like to ban motorcycles?

**Bill Wocken**: We have not chosen that position. We do think that not wearing seat belts is a bad decision that can be reversed.

1:14:39

**Don Larson, General Motors**, spoke to support SB 2060. From a manufacturer's perspective, despite all the advancements in vehicle safety, the seat belt is still the primary safety device in a vehicle to protect the occupants.

**Donnel Preskey, North Dakota Sheriffs' and Deputies' Association**, spoke to support SB 2060 and hand out testimony from **Sheriff Kelly Leben, Burleigh County**. See attachment #14.

**Gene LaDoucer, AAA – The Auto Club Group**, spoke to support SB 2060 and provided written testimony. See attachment #15.

1:18:41

**Representative Jones**: How many accidents are there involving teens where they leave the roadway and are involved in a roll over?

**Gene LaDoucer:** I don't know the specific numbers. When you look at the crash factors for teens, speed and driving too fast for conditions are always at the top. A study that AAA has done show that 60% of teen crashed are a result of distractions, other teen passengers being one of the major ones and cell phone use. We stress that the parents need to supplement what their children learn in drivers' education.

**Chairman Ruby:** Do you have anything to prove that having a secondary offense for those over 18 is the reason that the teenagers do not continue to wear seat belts?

**Gene LaDoucer:** The idea behind that is that in North Dakota you see that teens are the group that is the least likely to buckle up. Why aren't they buckling up, even though there is a primary law for them? Also, 99% of the parents think that their teens are buckled up 100 percent of the time, but that is not the case. An NDSU study shows that as few as 40% of teens in rural areas are buckling up.

**Chairman Ruby:** If primary laws are so effective, that should be deterring them from that.

**Gene LaDoucer:** Not when you have a secondary enforcement for those 18 and older.

1:26:49

**Representative Owens** stood to support SB 2060. Seatbelt usage in North Dakota has trended back down in 2017; it is 79.3%. It is a less than 2% increase since 2013. The biggest issue I have with seat belt laws is with DUIs. It is proven that DUI drivers do not put their seatbelts on. They are focused on how they are driving. If it were a primary law, the officer could stop them and find out they were drinking before they have the opportunity to kill someone. It is preventative. This is my focus with seat belts is to get these drivers off the road. It will be a tool to help law enforcement. My concern is stopping the accident of an innocent.

**Representative Grueneich:** I feel that this is an unlimited use of power to stop more people.

**Representative Paulson:** I learned in judiciary that there are three places that you "can stand your ground" and do not have a duty to retreat. One is in your home; one is in a motor home or travel trailer or a vehicle. Would you comment on why that might be, and how it relates to this law?

**Representative Owens:** I agree with this three conditions, but don't know how it relates to this law.

**Chairman Ruby:** You mentioned that primary enforcement would help capture drunk drivers, and that primary enforcement will reduce the amount of people not being buckled up. We earlier increased the penalties for drunk driving and still drunk driving is going up. How do you explain that and the increased penalty will increase buckling up?

**Representative Owens:** My point to you is that drunk drivers don't always buckle up, so let's give law enforcement the ability to stop them when they don't have their seat belt on.

**Representative Jones:** We were told that the seatbelt law would never become primary, it was just a secondary offense to encourage seat belt usage.

1:44

**Jason Benson, Cass County Engineer,** stood to support SB 2060. Related a story of his nephew who was killed in a car accident because he did not have a seat belt on.

**Pat Ward, State Farm and All State Insurance groups,** stood to support SB 2060.

**Brian Barret, EMS Association,** stood to support SB 2060.

There was no further support for SB 2060.  
There was no opposition on SB 2060.

**Eric Elkins, Medical Services Division, North Dakota Department of Human Services**, stood to provide information on some of the numbers we provided.

**Vice Chairman Rick C. Becker:** You provided a table to Senator Kruen which was used in testimony as evidence to try to up with a tally. My question is how you came by those numbers when as far as I am aware there is no ICD-10 code for if a person is belted or not. It wouldn't be straight through the medical side. HIPPA would prevent anything from the transportation side to be able to correlate straight through to the medical side. How did you derive this table?

**Eric Elkins:** We received the unbelted recipient information from the Department of Transportation through a data sharing agreement. I believe they went to the internal review board to make sure that information was okay to share. Then they gave us information of the unbelted recipients for the time period of 2013 to 2017. Then from those recipients, that is how we came up with the episode category of services for the conditions and the dollars associated with those.

**Vice Chairman Rick C. Becker:** I apologize to everyone because I don't want to delay this. I don't know if your answers will change anyone's mind as to whether they are in favor or opposed to the bill. But, I think it is important to know what the numbers mean and that there is accuracy and veracity in those numbers. If you don't mind, can you go through this again. I know what you said, but I am still not making the connection. Maybe I might construe that you said: The Department of Transportation gave personal information on who was injured, so they might be followed up as to what those injuries were, and what was paid out to treat those injuries. Is that true?

**Eric Elkins:** We received a file from the Department of Transportation that did have the unbelted recipients in crashes and with that file we then ran those recipients against our claims data through an analytic process with our decision support system that identifies episodes of care based on diagnosis code. That is what is in the chart.

**Vice Chairman Rick C. Becker:** Are you confirming that the Department of Transportation gave personal identifiable data to crash victims, and you were able to take that personal data and find out what their injuries were and how much was paid out for them?

**Eric Elkins:** That is correct. We received a file of unbelted crash recipients.

**Vice Chairman Rick C. Becker:** That is very interesting. I will be looking into that further. Thank you.

**Chairman Ruby:** Would that have been everyone that qualified that was unbuckled. So, you would use those numbers to see if there had been any Medicaid payments?

**Eric Elkins:** That is correct. We received a file of the unbelted persons, and we used that file to run it against our claims data to come up with the numbers.

**Chairman Ruby:** Is that consistent with HIPPA to use those numbers?

**Eric Elkins:** That process was run through the IRB with data used sharing agreements and IRB to make sure that it was okay to do this. I can give you this information.

There was no further neutral testimony on SB 2060.  
The hearing was closed on SB 2060.

**Chairman Ruby** provided an amendment for SB 2060. See attachment # 16. (19.0515.01003)  
He described the amendment. It adds some further vehicles that stop frequently.

**Vice Chairman Rick C. Becker moved the amendments (19.0515.01003).**

**Representative Grueneich seconded the motion.**

**Representative Hager:** I think most small towns have 25 mph speed limits, so I think that 30 mph might be too high. I think it should be lower.

**Chairman Ruby:** Yes, obviously the drivers have to follow the posted speed limits. It is mostly for short distances at lower speeds.

**A voice vote was taken on the amendments. The motion carried.**

**Vice Chairman Rick C. Becker moved a DO NOT PASS as amended on SB 2060.**

**Representative Kading seconded the motion.**

**A roll call vote was taken: Aye 9 Nay 4 Absent 1**

**The motion carried. Representative Weisz will carry SB 2060.**

DR 3/1/19

PROPOSED AMENDMENTS TO SENATE BILL NO. 2060

Page 2, line 10, after "a" insert:

"1."

Page 2, line 13, after the period insert:

"2."

Page 2, line 13, overstrike "to" and insert immediately thereafter ":

"a. To"

Page 2, line 14, overstrike "to drivers" and insert immediately thereafter:

"b. To a driver"

Page 2, line 15, overstrike "to operators" and insert immediately thereafter:

"c. To an operator"

Page 2, line 15, overstrike "to" and insert immediately thereafter:

"d. To"

Page 2, line 16, overstrike "to" and insert immediately thereafter:

"e. To"

Page 2, line 19, overstrike "or when" and insert immediately thereafter:

"f. When"

Page 2, line 20, after "occupants" insert: "; or

g. To an operator or a passenger of a motor vehicle that stops frequently to allow the driver or passenger to leave the vehicle temporarily or to deliver property from the vehicle. This exception applies only when the vehicle is traveling at a speed not exceeding thirty miles [48.28 kilometers] per hour between stops"

Page 2, after line 20, after the period insert:

"3."

Page 2, after line 22, after the period insert:

"4."

Renumber accordingly

Date: 3-1-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2060

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.0515.01003

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐

Motion Made By Becker Seconded By Grueneich

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY			REP LAURIEBETH HAGER		
VICE CHAIR BECKER			REP KARLA ROSE HANSON		
REP JIM GRUENEICH			REP MARVIN NELSON		
REP TERRY JONES					
REP TOM KADING					
REP EMILY O'BRIEN	A				
REP MARK OWENS					
REP BOB PAULSON					
REP GARY PAUR					
REP ROBIN WEISZ					
REP GREG WESTLIND					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Attachment #16



Date: 3-1-19  
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2060

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.0515.01003

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐

Motion Made By Becker Seconded By Kading

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	X		REP LAURIEBETH HAGER		X
VICE CHAIR BECKER	X		REP KARLA ROSE HANSON		X
REP JIM GRUENEICH	X		REP MARVIN NELSON		X
REP TERRY JONES	X				
REP TOM KADING	X				
REP EMILY O'BRIEN	A				
REP MARK OWENS		X			
REP BOB PAULSON	X				
REP GARY PAUR	X				
REP ROBIN WEISZ	X				
REP GREG WESTLIND	X				

Total (Yes) 9 No 4

Absent 1

Floor Assignment Weisz

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2060: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2060 was placed on the Sixth order on the calendar.

Page 2, line 10, after "a" insert:

"1."

Page 2, line 13, after the period insert:

"2."

Page 2, line 13, overstrike "to" and insert immediately thereafter ":

"a. To"

Page 2, line 14, overstrike "to drivers" and insert immediately thereafter:

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"3."

Page 2, after line 22, after the period insert:

"4."

Renumber accordingly

**2019 TESTIMONY**

**SB 2060**

1/4/19 SB 2060  
#1

**Department of Human Services  
Medical Services Division  
Medicaid Claims Incurred CY 2013 through CY 2017 for Individuals Identified by DOT as Unbelted  
2019 Senate Bill 2060**

**Total Paid Based on DOT  
Reported Date of Accident**

<b>Time Period: Incurred Year</b>	<b>Patients</b>	<b>Net Pay Epis Total</b>
2013	18	\$400,970.89
2014	12	\$60,701.31
2015	14	\$381,812.41
2016	17	\$41,752.03
2017	18	\$271,020.97
<b>Aggregate</b>	<b>79</b>	<b>\$1,156,257.61</b>

**Summary by Category of Service (2013-2017)**

<b>Episode Summary Group</b>	<b>Patients</b>	<b>Net Pay Epis Total</b>
Arthropathies/Joint Disord NEC	6	\$4,568.26
Cardiac Arrhythmias	2	\$1,204.16
Cardiovasc Disord, NEC	3	\$2,210.08
Condition Rel to Tx - Med/Surg	1	\$9.24
Fracture/Disloc - Hip/Fem Head	8	\$115,004.15
Fracture/Disloc - Knee/Patella	1	\$152.88
Fracture/Disloc - Upper Extrem	6	\$18,988.72
Gastroint Disord, NEC	1	\$30.42
Headache, Migraine/Muscle Tens	2	\$2,847.06
Hernia, External	1	\$0.00
Injury - Abdomen/Trunk	7	\$7,068.84
Injury - Chest Wall	7	\$43,567.16
Injury - Eye	1	\$5,660.18
Injury - Head	13	\$107,052.02
Injury - Knee	1	\$51.06
Injury - Musculoskeletal, NEC	16	\$29,489.85
Injury, NEC	8	\$5,612.57
Mental Hlth - Depression	2	\$1,023.20
Respiratory Disord, NEC	3	\$808.69
Spinal/Back Disord, Ex Low	14	\$810,275.21
Spinal/Back Disord, Low Back	1	\$633.86
<b>Aggregate</b>	<b>79</b>	<b>\$1,156,257.61</b>

Claims for conditions such as pregnancy or chronic medical conditions excluded.  
Cannot assure that all expenditures would have been avoided if individuals would have been wearing a seatbelt.

SENATE TRANSPORTATION COMMITTEE  
January 4, 2019

North Dakota Department of Transportation  
Karin Mongeon, Safety Division Director

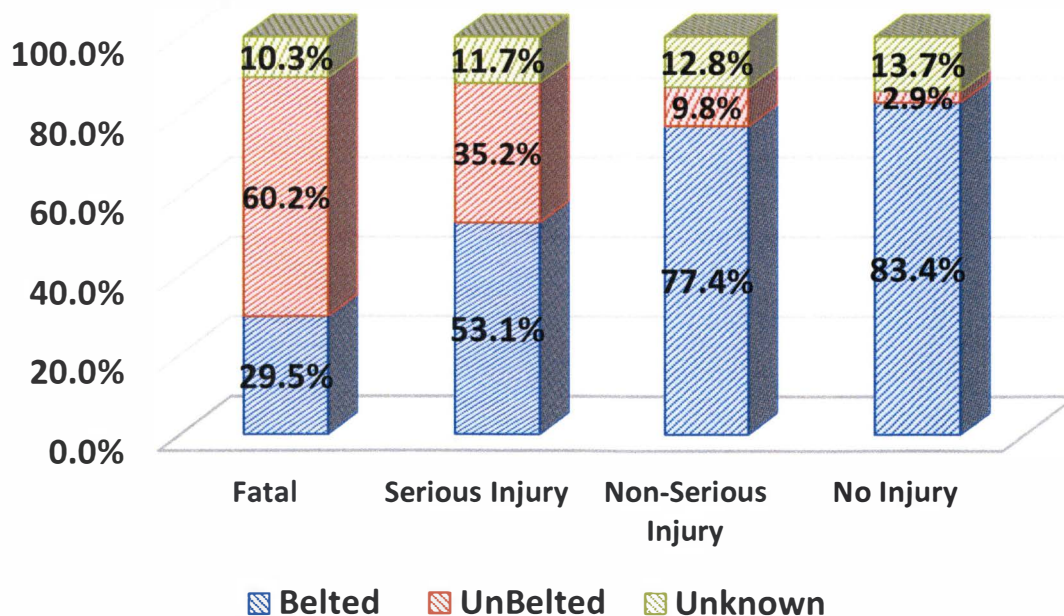
SB 2060

Good morning Chairman Rust 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 speak in favor of SB 2060.

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

Crash data collected and analyzed by the NDDOT Safety Division shows that over the most recent five years (2013-2017), 643 people died in motor vehicle crashes. Of those killed where seat belts apply (528) – excluding motorcyclists, bicyclists and pedestrians – 60 percent (318) 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, 2013-2017



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 2018 was 82.5 percent. While this may appear high, it's the 20 percent who do not wear their seat belts – about 150,000 North Dakotans – who remain extremely vulnerable to the consequences of a crash. And, this 20 percent of non-seat belt users is contributing to 60 percent 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.

## ***Vision Zero***

The NDDOT, along with the North Dakota Highway Patrol, is assigned responsibility for the public safety of road users. The NDDOT takes this responsibility very seriously, and one year ago this month, launched the *Vision Zero* strategy to reduce motor vehicle crash deaths and serious injuries in North Dakota to zero – along with the North Dakota Highway Patrol and the North Dakota Department of Health.

*Vision Zero* has been very well-received and has the support and involvement of hundreds of North Dakota 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)

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 North Dakota citizen support for a PBL has increased 7 percent over the past five years (2014-2018). Sixty-two percent of respondents to this survey in 2018 favored a PBL (Figure 2).

**FIGURE 2**

<b>Year</b>	<b>Percent In Favor of a PBL in North Dakota (Strongly Favored + Somewhat Favored)</b>
<b>2014</b>	55%
<b>2015</b>	56%
<b>2016</b>	58%
<b>2017</b>	61%
<b>2018</b>	62%

A PBL has no cost to State government and will save money. During a November 2018 analysis, North Dakota Workforce Safety and Insurance (WSI) claims data matched with NDDOT crash data shows that point in time costs to WSI for employees injured in unbelted motor vehicle crashes was more than \$12.3 million over the most recent five year period (2013-2017). When indemnity and medical reserves (anticipated spending through the life of the claims) are added, this amount increases to more than \$28 million in costs to WSI. Actual costs to WSI are even higher than what is reported considering not all records were matched between NDDOT and WSI data. And, amounts reported here do not represent costs that were incurred but not yet reported. Costs to WSI can be significantly reduced with consistent seat belt use. The NDDOT is in the process of conducting this same analysis with Medicaid claims data.

SB 2060 #2  
1/4/19 pg 3

The analysis is not yet complete, however, costs are expected to be exponentially higher due to the number of Medicaid recipients.

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 in order for them to be effective.

I urge you to pass SB 2060 to save lives from motor vehicle crashes in North Dakota.



SB 2060 #3  
1/4/19  
pg 1

Testimony to the  
**Senate Transportation Committee**  
Prepared January 2, 2019  
by Ryan Gellner, North Dakota Association of Counties

**Regarding: SB 2060**

My Name is Aaron Birst, Legal Counsel for the North Dakota Association of Counties.

The North Dakota Association of Counties and the North Dakota County Commissioners Association support SB 2060.

In North Dakota there are over ten-thousand miles of county roads that counties are ultimately responsible for. Doing whatever we can to protect those driving on county roads, or any road for that matter, is an important part of that responsibility.

North Dakota is one of the remaining 16 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.

Motor vehicle crashes are the leading cause of injury-relate death in our state. Over the past five years (2013-2017), 643 people died on North Dakota's roads. Of those people killed in automobile crashes where seatbelts were applicable 60-percent were not wearing a seatbelt (NDDOT).

Data from the NDDOT shows us that about 20-percent, or roughly 150,000 North Dakotans do not use their seatbelt. This 20-percent is contributing to 60-percent of North Dakota crash deaths annually.

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 being required to turn on your headlights or use your turn signals 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.

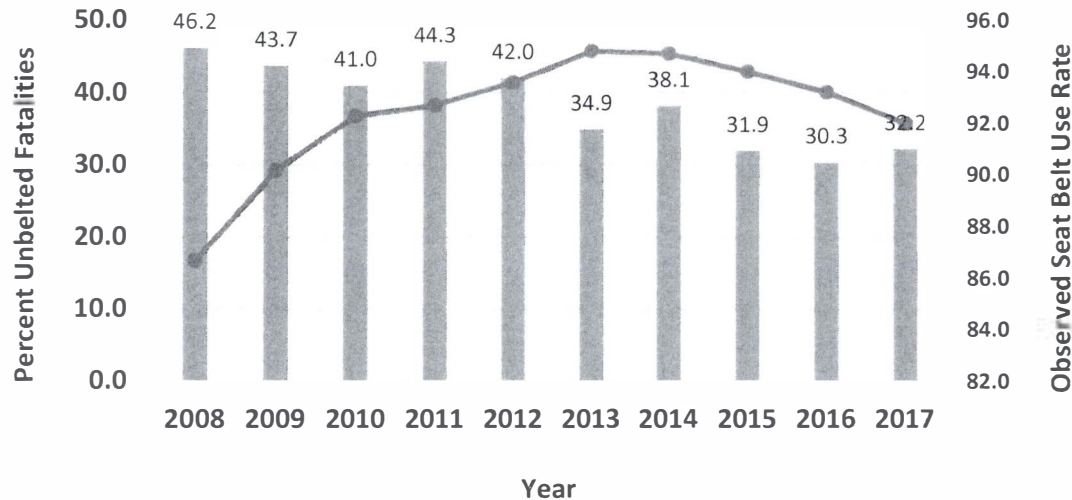
The Illinois Supreme Court rules in the case People vs. Kohrig (1986) that seatbelt laws are constitutional. The court said, "A law whose aim is to reduce the private and public costs resulting from injuries and deaths caused by motor vehicle accidents is within the police power of the state."

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)

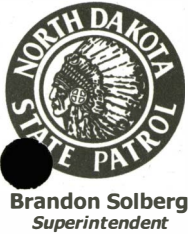
Thank you to the Chairman, and all the Transportation Committee members. Your work on protecting every North Dakota citizen riding in an automobile is greatly appreciated.



### Minnesota, Observed Seat Belt Use Rate and Percent Unbelted Fatalities 2008-2017



An evaluation of the impact of the Minnesota law change was conducted by the University of Minnesota in 2014. The study estimated that there had been 132 fewer fatalities from motor vehicle crashes, 434 fewer serious injuries, and 1270 fewer moderate injuries since the Primary Seatbelt Law went into effect. 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.



# NORTH DAKOTA HIGHWAY PATROL

State Capitol, 600 E. Boulevard Ave., Dept. 504

Phone: 701-328-2447

Bismarck, ND 58505-0240

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Website: [www.nd.gov/ndhp](http://www.nd.gov/ndhp)



**Doug Burgum**  
Governor

1/4/19 SB2060 #4

Senate Bill 2060  
Senate Transportation Committee  
January 4, 2019

Good morning, Chairman Rust and members of the Senate Transportation Committee. My name is Sgt. Wade Kadrmas. I am the Safety and Education Officer for the North Dakota Highway Patrol. I am here today on behalf of my agency to provide testimony in support of Senate Bill 2060.

The North Dakota Highway Patrol has been responsible for traffic safety in the state beginning in 1935. Since then, there have been numerous strategies, campaigns, and laws implemented which focused on improving traffic safety. While these measures have greatly enhanced safety, they have not reduced the number of individuals that die in crashes on our roads to an acceptable number, the only acceptable number, which is zero.

The NDHP has been working hand in hand with the Department of Transportation, Department of Health, and other Vision Zero partners to help educate citizens of North Dakota on the importance of making responsible driving decisions as they travel on our roadways. Vision Zero partners do not randomly decide on best practices but rather utilize data collected at crashes, through studies, and through personal experience to guide the direction and focus of the strategies that are aimed at reducing serious injury and fatality crashes on our roads.

As a law enforcement agency, the highway patrol is responsible for enforcement of the laws that are introduced, debated, voted on, and passed during legislative session. We support data-based legislation that improves traffic safety and keeps those traveling on the roadways we patrol safe, every day.

A 2004 Center for Disease Control review of studies concluded that primary seatbelt laws increased seatbelt use by about 14 percent and reduced occupant fatalities by about 8 percent compared to secondary laws.

NDHP troopers and other law enforcement are committed to protecting the public. We are confident, based off data and research, that voluntary compliance will increase with a primary seatbelt law in place. As seatbelt use increases, the number of serious injuries and fatalities will decrease.

Rescinding the secondary enforcement law doesn't require us to obtain new equipment and it's revenue neutral. It simply encourages individuals to comply with a law that enhances safety on our roadways.

This concludes my testimony. I am happy to answer any questions.

Good morning Chairman Rust and members of the Committee. My name is Chris Price and I am the Director of the Division of Emergency Medical Systems for the North Dakota Department of Health. Joining me is Mandy Slag, the Injury Prevention Program Director, also with the North Dakota Department of Health. In addition to our respective positions, Mandy is a registered nurse and I am a paramedic. We are here to provide testimony in support of Senate Bill 2060.

I would like to ask you to take a moment and think about a motor vehicle crash, it might have been one you had first-hand knowledge or one that you have heard about. Did something happen to you or someone you know that really didn't have to happen? How did that make you feel? Probably not very well. That's the same feeling that every Emergency Medical Technician (EMT) or paramedic has each time he or she attends a motor vehicle crash in which an occupant has succumbed to injuries while not wearing a seat belt. I can say after 33 years as a paramedic, that the feeling doesn't get any better. In fact, it has only become worse.

Seatbelts save lives - the facts are indisputable. I am confident that any EMT or paramedic standing before you would be able to share a story about a time when he or she cared for a belted crash victim in the presence of a lifeless, unbelted victim. In my case, I think about a crash that I responded to involving belted, front seat occupants, an unbelted rear passenger who was ejected, and a fuel leak and subsequent flash fire. The unbelted passenger who was ejected from the vehicle did not survive, while the belted, front seat occupants survived and were unharmed by the fire.

You may have heard, or may hear in additional testimony about the financial and societal costs of unbelted crash victims. In addition, there is undoubtedly an emotional cost – not only to the victims' loved ones, but also to the EMS responders, the clear majority being community-spirited volunteers. Yes, any severe injury or loss of life weighs heavily on the minds of your friends and neighbors who respond with the local ambulance service, but I can assure you

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1/10/19

that the easily preventable injuries and deaths, like those that are the result of not wearing a seat belt, are the hardest to come to terms with.

Thank you for the opportunity to share my testimony. Mandy Slag will now provide her comments.

Good morning Chairman Rust and members of the Senate Transportation Committee. As Chris previously stated, my name is Mandy Slag and I am the Injury Prevention Program Director.

A few years ago a friend of mine from Mandan lost her step-daughter in a crash between Bismarck and Mandan days before her 21<sup>st</sup> birthday. The people in the car were not belted and were hit by a drunk driver traveling the wrong way. I've seen first-hand the emotional impact this crash had on her family. A seat belt is the best defense against a drunk driver.

As Chris previously stated, seat belts save lives. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. (National Safety Council)

Seat belts protect you by:

- Keeping you in control of your vehicle if you are forced to swerve or brake suddenly by keeping you in the driver's seat.
- Keeping you in the vehicle. (You are 25 times more likely to be killed if you're thrown from a vehicle during a crash.)
- Spreading the force of impact over a large area and the strongest part of the body.
- 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.
- Preventing collision with other occupants of the vehicle.
- Preventing trauma to the brain and spinal cord caused by sudden change in motion.
- Increasing your chance of remaining conscious after a crash, which will help you get out of the vehicle and help others.

Wearing a seatbelt can prevent you from colliding with other occupants in the vehicle. An unrestrained occupant becomes projectile and risks serious injury or death to others in the vehicle. If you don't wear a seatbelt and are involved in a crash, other occupants in the car are at risk of injury from you hitting them.

- Exposure to unbelted occupants increases the risk of injury or death to other occupants in the vehicle by 40 percent.
- In a frontal crash, an unbelted rear seat passenger sitting behind a belted driver increases the risk of fatality for the driver by 137 percent compared with a belted rear seat passenger. (Insurance Institute for Highway Safety)

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 unbelted motor vehicle deaths, 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.

We urge you to pass SB 2060 to save the lives of North Dakotans. Chris and I are happy to answer any questions you may have.

**Testimony**  
**Senate Bill 2060**

SB2060 #2  
1/10/19 pg1

**Senate Transportation Committee**

**Thursday – January 10, 2019**

**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 150 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 what has been known as the North Dakota Strategic Highway Safety Plan – now 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. 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. For many years, members of this group have known 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 and Insurance I. In fact, enacting a primary seat belt bill has been a part of our State Highway Safety 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. Let's dig further into those opportunities:

**USAGE DATA:**

- On average, nearly 17% of North Dakotans—over 130,000 people—are still not buckling up.
- An estimated 48 lives were saved by seat belts in North Dakota in 2015, and 22 additional lives could have been saved with 100 percent seat belt use.

**COSTS:**

- In 2010, the economic cost due to motor vehicle crashes in the U.S. was \$242 billion (in 2010 dollars).
- North Dakota pays \$706 million of these costs. That is \$1,049 for every resident of North Dakota, each year. About three quarters of the costs are paid by citizens not involved in the crashes.
- Crashes cost employers in the State \$118 million annually—\$300 per employee. (based on 2013 dollars)



As you can see from the graph on the following page, states with a primary seat belt bill have a higher usage of seat belts when compared to those with a secondary enforcement or no belt laws. I am not proud that North Dakota falls 6<sup>th</sup> from last in seat belt usage rates; we can do better. 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.

Let's take a look at our neighboring state of Minnesota and the results they had after passing a primary seat belt law in their state in 2009. Following that law change, a study was conducted to analyze the effect it had had in their state. Here are their findings from that study done in 2011, two years after passage of the primary law.

Using data from the Minnesota Crash Records Database provided by the Department of Public Safety, the study utilized two methods of analysis, first comparing actual crash data and in comparing the expected post law change injury types. That study estimated that there had been 68 - 92 fewer fatalities from motor vehicle crashes, and 320 - 550 fewer serious injuries since the primary seat belt law went into effect. This improved safety record translated into at least \$45 million in avoided hospital charges, including a direct savings of nearly \$10 million or more tax dollars that would have been paid for expenses charged to government insurers. The primary seat belt law has benefitted from the support of over 70% of all Minnesotans and observed use of seat belts statewide has risen from 86.7% in 2008 to an all-time high of 92.7% in 2011.

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

**PRIMARY SEAT BELT LAWS:**

- 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.)

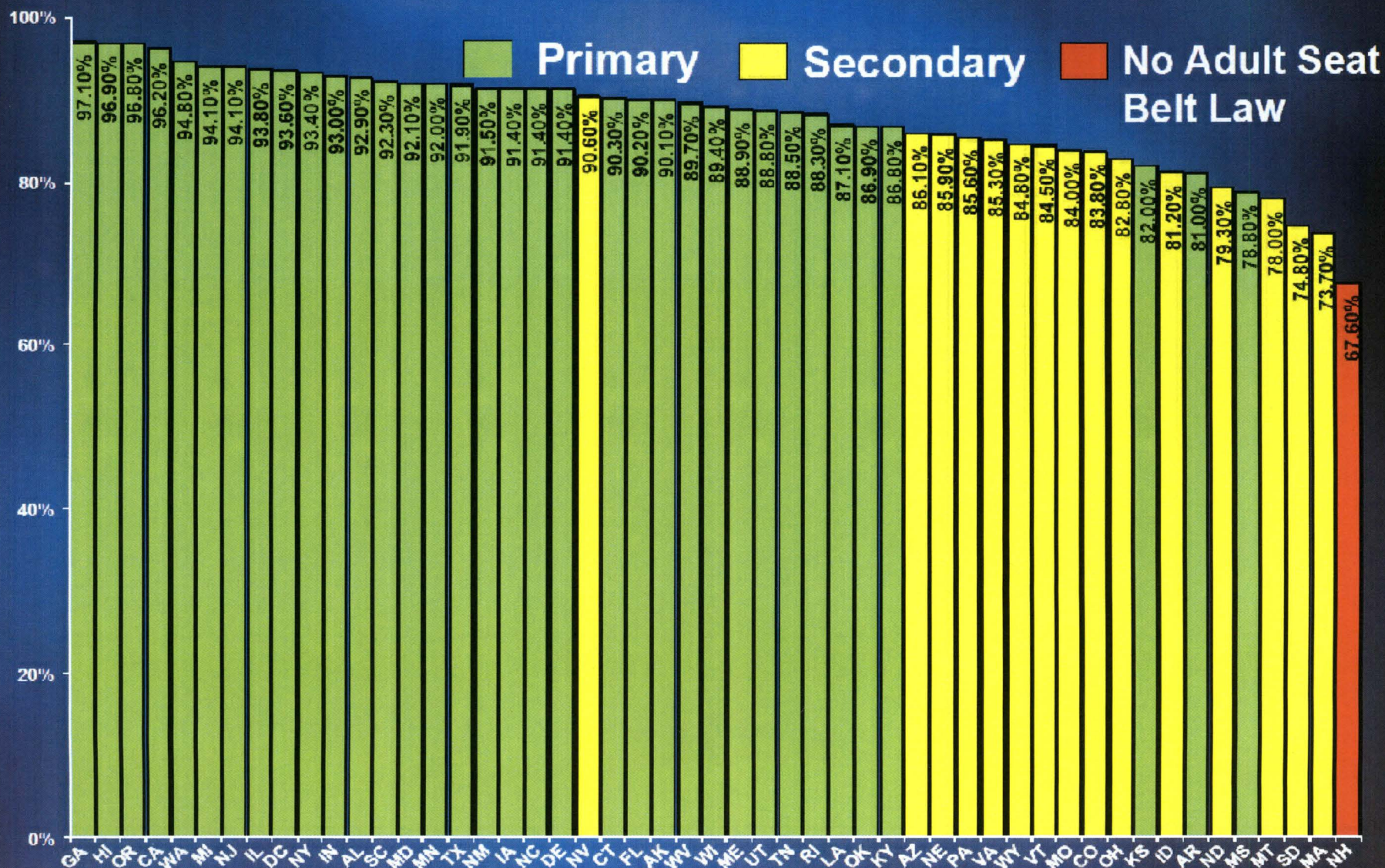
Driving a motor vehicle is a privilege, not a right and with that privilege comes some expectations. Just as we are expected to use a turn signal when we change lanes or turn a corner, we stop at a red light or we register our cars with the DOT, using a seatbelt is already a law. Our law enforcement 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 one year ago. He and the DOT know that this law can and will make a difference to the citizens of our state. As noted by Karin Mongeon, 62% of North Dakotas favor a primary belt law and we are asking for your support of SB 2060 to provide that provision in our state law.

I thank you for allowing me to testify today in support of SB 2060 and I would entertain any questions you may have.



# 2017 Seat Belt Use Rates

## By Law Type and State

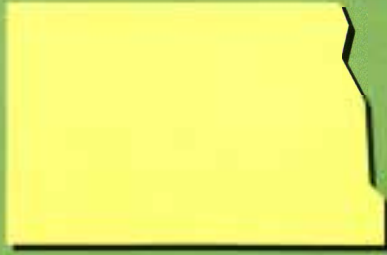


State surveys conducted in accordance with Section 402 FAST Act

Primary Laws were recently passed in RI (2011); WV (2013); UT (effective 5/12/2015 to 7/01/2018).

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P33





# North Dakota Safety Facts

August 2017

North Dakota's seat belt use rate generally remains lower than the national average. At 82.8% use, over 130,000 North Dakotans still are not buckling up.

	2010	2011	2012	2013	2014	2015	2016
United States	85.1%	83.8%	86.1%	87.2%	86.7%	88.5%	90.1%
North Dakota	74.8%	76.7%	80.9%	77.7%	81%	80.4%	82.8%

NHTSA estimates that if North Dakota were to pass a primary seat belt law, belt usage could rise by approximately 7 percentage points.

**In 2010, crashes cost North Dakota  
\$706 million –  
About \$1,049 for each resident**

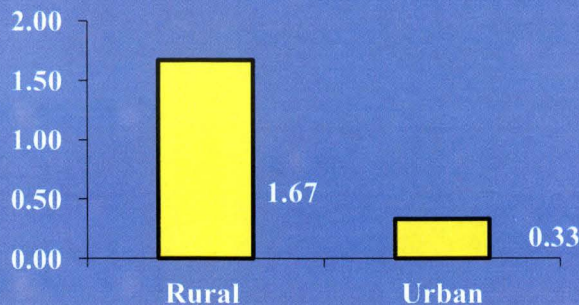
\*(The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised))

With a primary seat belt law, each year North Dakota could save about:

- 7 lives
- 61 serious injuries
- \$18 million in costs

(Based on a 6.9 percentage point increase from the 2016 ND seat belt use rate.)

### Motor Vehicle Fatality Rate per 100M Vehicle Miles

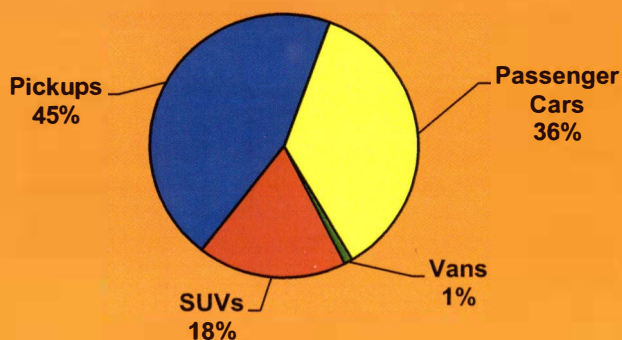


93% of North Dakota's motor vehicle traffic fatalities are in rural areas.

The fatality rate in rural areas is over 5 times higher than the rate in urban locations.

Source: 2015 FARS Data

### Passenger Vehicle Occupant Fatalities: Proportion of Vehicle Types



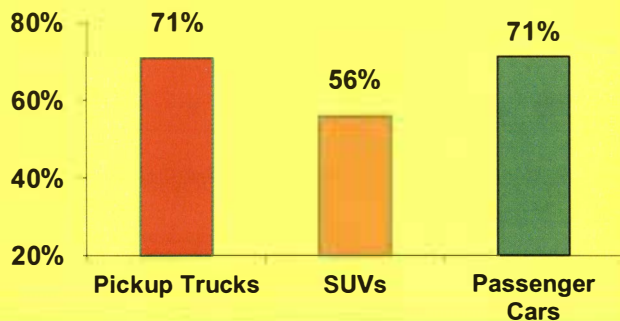
Source: 2015 FARS Data

In 2015, seat belt use saved an estimated 48 lives in North Dakota.

An additional 22 lives could have been saved with 100% restraint use.

Source: STSI

### Unrestrained Passenger Vehicle Occupant Fatalities



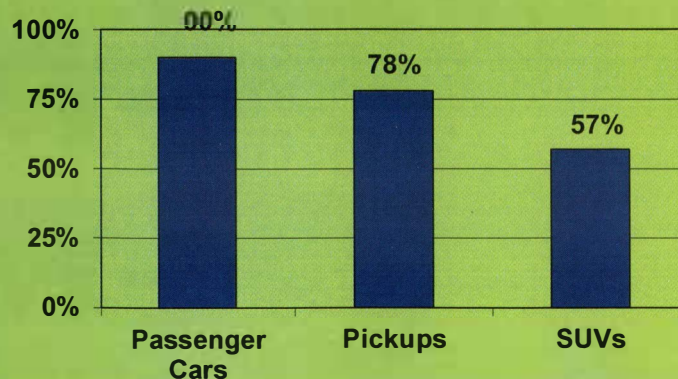
In North Dakota, a larger percentage of pickup truck and passenger car fatalities are unrestrained compared to SUV fatalities.

Source: 2015 FARS Data

**80% of nighttime fatalities are unrestrained in North Dakota compared to 49% of daytime fatalities.**

Source: 2015 FARS Data

### Nighttime Unrestrained Passenger Vehicle Occupant Fatalities





**Testimony in Support of SB 2060**  
**Senate Transportation Committee – Jan. 10, 2019**  
**Gene LaDoucer, AAA-The Auto Club Group**

Good morning, Chairman Rust and members of the committee. Thank you for the opportunity to express support for Senate Bill 2060. My name is Gene LaDoucer, and I represent AAA-The Auto Club Group, the second largest AAA club in North America with more than 9.6 million members. I am also team lead for the North Dakota Vision Zero Young Driver Emphasis Team. It is primarily in that role that I am addressing you today.

There is no disputing the effectiveness of seat belts. Even those who don't regularly 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 is largely ineffective, however, as it's virtually impossible to enforce. Law enforcement officers simply do not know how old a driver is when encountering them in traffic. Knowing this, teens are undeterred and are less likely to buckle up than any other age group. That issue would be solved with sound evidence-based policy. Such policy may also help parents enforce household rules. According to NDSU studies, more than 99 percent of parents expect their teens to wear a seat belt at all times. The reality is that some adults model poor behavior. As a result, when parents are out of the vehicle, teens too often unbuckle, which contributes to young lives lost 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 wearing a seat belt – all of which contribute to an increased death rate.

According to the 2017 North Dakota Crash Summary, teen drivers age 14-19 account for 5 percent of all licensed drivers in North Dakota, but are behind the wheel in nearly 20 percent of all crashes. Furthermore, in the five-year period from 2012 to 2016, teens were involved in 17 percent of severe-injury crashes involving an unbelted or improperly belted occupant.

The Vision Zero goal is within reach for our youngest drivers. The passage of Senate Bill 2060 would set the stage for doing just that – eliminating motor vehicle crash fatalities among teens – and ultimately all motor vehicle passengers.

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

August 2018

## STATE OF NORTH DAKOTA PRIMARY SEAT BELT LAW FACT SHEET

### COSTS:

- In 2010, the economic cost due to motor vehicle crashes in the U.S. was \$242 billion (in 2010 dollars).
  - North Dakota pays \$706 million of these costs.
    - That is \$1,049 for every resident of North Dakota, each year.
    - About three quarters of the costs are paid by citizens not involved in the crashes.
- Crashes cost employers in the State \$118 million annually—\$300 per employee. (based on 2013 dollars)

### PRIMARY SEAT BELT LAWS:

- In States with primary seat belt laws, law enforcement officers may stop a vehicle and issue a citation for a seat belt violation, even if this is the only violation officers notice. Officers in States with secondary seat belt laws may issue seat belt citations to motorists only after stopping the drivers for another violation.
- In States with secondary enforcement provisions, more than half the public 16 and older support primary enforcement of seat belt laws. In States with primary laws, support of primary enforcement is even higher at 73 percent. (MVOSS 2007)
- NHTSA estimates that if North Dakota were to pass a primary belt law, seat belt usage could increase by approximately 8 percentage points.
- With a primary law, North Dakota could save approximately 6 lives, 53 serious injuries, and \$16 million in costs each year. (Based on a 8.3 percentage point increase from the 2017 seat belt use rate.)

### USAGE DATA:

- 20.7 percent of North Dakotans—over 156,000 people—are still not buckling up.
- An estimated 29 lives were saved by seat belts in North Dakota in 2016, and 12 additional lives could have been saved with 100 percent seat belt use.

### COMPARISON TO OTHER STATES:

	North Dakota	Iowa	Minnesota
Seat Belt Law	Secondary	Primary	Primary
2017 Observed Use Rate	79.3%	91.4%	92.0%

### FATALITY DATA:

- In 2016, 77 vehicle occupants died while riding in cars and light trucks in North Dakota. Of these, 70 percent died while not wearing their seat belts compared to 48 percent nationwide. (2016 FARS Data)
- 94 percent (106/113) of the State's motor vehicle traffic fatalities occur in rural areas, and the fatality rate per 100 million vehicle miles is over six times higher in rural areas compared to urban areas. (2016 FARS Data)
- In 2016, 79 percent of nighttime passenger vehicle occupant fatalities in North Dakota were unrestrained compared to 58 percent of daytime passenger vehicle occupant fatalities. (2016 FARS Data)

Testimony in Support of Senate Bill 2060  
January 10, 2019  
Senate Transportation Committee  
Bill Wocken on behalf of the North Dakota League of Cities

Good Morning Mr. Chairman and members of the Senate Transportation Committee.  
For the record, my name is Bill Wocken, appearing on behalf of the North Dakota League of Cities in support of Senate Bill 2060.

As you have heard previously Senate Bill 2060 does three basic things. It makes failure to use a seat belt per this bill a violation meriting a \$50.00 fee, it defines a seat belt violation as failure by any person in a motor vehicle to wear a proper seat belt and it repeals the present law and makes a seatbelt violation a primary offense.

The North Dakota League of Cities supports the state's Vision Zero program to reduce and eliminate roadway fatalities. Research has shown that use of seat belts by all vehicle occupants is the single most effective protective measure available in a vehicular crash. It will reduce fatal and serious injuries by nearly half. Our emergency service personnel have seen first-hand many tragedies that could be prevented with effective use of seat belts. Doubtless there have been fatalities and serious injuries in your own communities this bill may help to avert.

Concern has been expressed that seatbelts may be considered a hindrance in a vehicle fire or a submerged or overturned vehicle. I am not sure I agree but even if this theory is true would it be prudent public policy to ignore a 98% solution because of a 2% outlier? It was pointed out that the law allows exemptions for mail carriers, severely handicapped and cars made without belts. These very narrow exceptions do not merit disuse of seatbelts by the vast majority of automobile occupants.

Mr. Chairman and committee members, this bill is about balancing personal preferences against behavior which is deadly and costly to society. The North Dakota League of Cities requests your favorable consideration of this bill.



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

SB 2060 #5  
1/10/19 pg1

KELLY LEBEN  
SHERIFF

## Testimony in Support of Senate Bill 2060

I am testifying in support of SB 2060, 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 28 year veteran of law enforcement and a 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 instruct to the public, I present on the current traffic fatality statistics gathered in our state. In each class, I make 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. That statistic is 60 % for unbelted occupants. I also point out in each class that "If it is predictable, it is preventable."

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, 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

### COURTHOUSE

514 E. Thayer • PO Box 1416

Bismarck, ND 58502-1416

P 701-222-6651 • F 701-221-6899

[www.facebook.com/BurleighCountySheriffsDepartment](https://www.facebook.com/BurleighCountySheriffsDepartment)

### BURLEIGH MORTON DETENTION CENTER

4000 Apple Creek Road • PO Box 2499

Bismarck, ND 58502-2499

P 701-255-3113 • F 701-258-5319



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). Thank you for the opportunity to express the NDSC's support for Senate Bill 2060.

The number one contributing factor in motor vehicle crash deaths in North Dakota is not wearing a seat belt. In fact, according to the ND Department of Transportation, more people die in motor vehicle crashes in North Dakota from being unbelted than any other contributing crash factor, including drunk driving, distracted driving, or speeding.

Year	Percent In Favor of PBL in ND (Strongly Favored + Somewhat Favored)
2014	55%
2015	56%
2016	58%
2017	61%
2018	62%

A Primary Belt Law (PBL) is an evidence-based strategy to move North Dakota toward zero motor vehicle crash deaths. Not only will a PBL decrease motor vehicle crash deaths in North Dakota, it will give the people of North Dakota what they want. Currently, about 6 in 10 North Dakotans favor a PBL – and support of the bill has only increased over the past 5 years.

The NDSC urges you to pass SB 2060 because SEAT BELTS SAVE LIVES. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. (National Safety Council)

Some who oppose this bill might use the argument that, in certain cases, seatbelts actually caused further harm. These cases they're referring to, which would be incidents involving fire or a vehicle submerged in water, account for only ONE HALF OF 1% of all crashes (NHTSA). The fact remains that occupants wearing a seat belt have a much great chance of being conscious and able-bodied to safely escape.

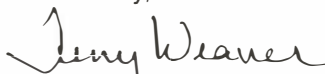
Currently, North Dakota's seat belt use rate is 82.5% (NDDOT/ND SU UGPTI, 2018). This means about 20% – or approximately 150,000 North Dakotans – remain extremely vulnerable to the consequences of a crash.

Mr. Chairman, over the past five years, 643 people died on North Dakota's roads. Of those people killed in car crashes where seat belts applied, 318 were not wearing a seat belt. (NDDOT)

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

More statistics  
on the back!



***We are dedicated to preventing injuries and saving lives.***

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The National Safety Council estimates the following average economic costs in 2015 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, 2015

Death .....	\$1,542,000
Disabling Injury.....	\$90,000
Evident Injury.....	\$26,000
Possible Injury.....	\$21,400
No injury observed .....	\$11,400
Property damage only.....	\$4,200



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U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

# TRAFFIC SAFETY FACTS

## Research Note



DOT HS 812 465

April 2018 (revised)

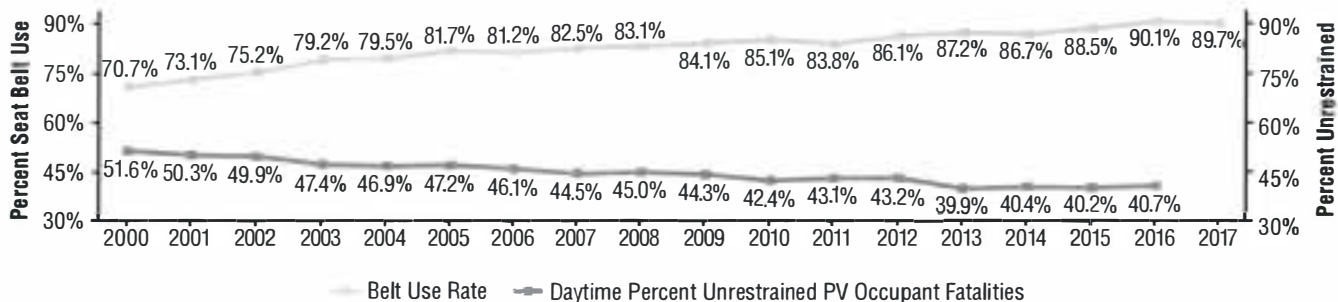
## Seat Belt Use in 2017—Overall Results

Seat belt use in 2017 was 89.7 percent, not statistically different at the 0.05 level from 90.1 percent in 2016. This result is from the National Occupant Protection Use Survey (NOPUS), the only survey that provides nationwide probability-based observed data on seat belt use in the United States. The NOPUS is conducted annually by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration.

Seat belt use has shown an increasing trend since 2000, accompanied by a steady decline in the percentage of unrestrained passenger vehicle (PV) occupant fatalities during the daytime (Figure 1). The 2017 survey also found the following:

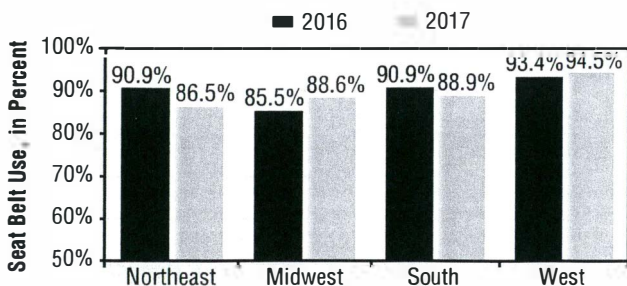
- Seat belt use for occupants in the West is higher than in the other regions, Northeast, Midwest, and South, in 2017 (Figure 2).
- Seat belt use continued to be higher in the States in which vehicle occupants can be pulled over solely for not using seat belts ("primary law States") as compared with the States with weaker enforcement laws ("secondary law States") or without seat belt laws (Figure 3).
- Seat belt use for occupants in Midwest increased significantly from 85.5 percent in 2016 to 88.6 percent in 2017 (Table 1).

Figure 1  
**National Seat Belt Use Rate and Daytime Percentage of Unrestrained Passenger Vehicle Occupant Fatalities**



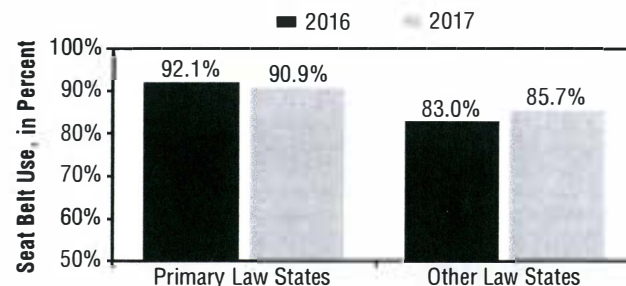
Source: NOPUS and FARS

Figure 2  
**Seat Belt Use by Region**



Source: NOPUS

Figure 3  
**Seat Belt Use by Law Type**



Source: NOPUS

<sup>1</sup>The FARS 2017 data on the percentage of unrestrained passenger vehicle occupant fatalities during daytime will be available later in 2018.

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Table 1  
Seat Belt Use by Major Characteristics

Occupant Group <sup>1</sup>	2016		2017		2016–2017 Change		
	Belt Use <sup>2</sup>	95% Confidence Interval <sup>3</sup>	Belt Use <sup>2</sup>	95% Confidence Interval <sup>3</sup>	Change in Percentage Points <sup>7</sup>	95% Confidence Interval <sup>4</sup>	P-value <sup>5</sup>
All Occupants	90.1%	(88.5, 91.5)	89.7%	(88.2, 91.0)	-0.5	(-2.2, 1.3)	0.59
Drivers	90.5%	(88.9, 92.0)	90.2%	(88.7, 91.5)	-0.4	(-2.2, 1.4)	0.65
Right-Front Passengers	88.6%	(86.8, 90.2)	87.9%	(86.1, 89.4)	-0.7	(-2.8, 1.3)	0.48
Occupants in States With <sup>6</sup>							
Primary Enforcement Laws	92.1%	(90.8, 93.2)	90.9%	(89.2, 92.3)	-1.2	(-3.1, 0.7)	0.21
Secondary/No Enforcement Laws	83.0%	(77.6, 87.3)	85.7%	(82.4, 88.5)	2.7	(-0.9, 6.3)	0.13
Occupants Traveling on							
Expressways	92.7%	(90.5, 94.3)	92.5%	(90.9, 93.9)	-0.1	(-1.9, 1.6)	0.90
Surface Streets	88.3%	(86.5, 90.0)	87.8%	(85.8, 89.5)	-0.6	(-2.6, 1.5)	0.57
Occupants Traveling in							
Fast Traffic	92.0%	(90.0, 93.7)	91.5%	(89.9, 92.9)	-0.5	(-2.6, 1.6)	0.61
Medium-Speed Traffic	88.6%	(86.2, 90.7)	89.1%	(86.6, 91.2)	0.5	(-1.6, 2.5)	0.65
Slow Traffic	87.5%	(84.6, 90.0)	86.0%	(83.8, 87.9)	-1.6	(-4.2, 1.1)	0.23
Occupants Traveling in							
Heavy Traffic	92.3%	(90.9, 93.5)	91.6%	(90.1, 92.8)	-0.7	(-2.3, 0.8)	0.33
Moderately Dense Traffic	88.3%	(85.7, 90.5)	88.1%	(86.1, 89.8)	-0.2	(-2.7, 2.2)	0.85
Light Traffic	81.5%	(79.1, 83.8)	82.0%	(78.3, 85.2)	0.5	(-2.9, 3.8)	0.79
Occupants Traveling Through							
Light Precipitation	89.3%	(83.2, 93.4)	89.8%	(86.5, 92.4)	0.5	(-5.1, 6.1)	0.86
Light Fog	91.0%	(85.5, 94.6)	90.8%	(81.7, 95.6)	-0.2	(-8.0, 7.5)	0.95
Clear Weather Conditions	90.2%	(88.5, 91.6)	89.6%	(88.1, 91.0)	-0.5	(-2.2, 1.1)	0.52
Occupants in							
Passenger Cars	91.1%	(89.6, 92.4)	90.6%	(89.2, 91.8)	-0.5	(-1.9, 0.9)	0.46
Vans and SUVs	92.3%	(91.0, 93.5)	91.7%	(90.1, 93.0)	-0.6	(-2.6, 1.3)	0.50
Pickup Trucks	83.2%	(79.7, 86.1)	83.2%	(80.6, 85.6)	0.1	(-3.3, 3.5)	0.97
Occupants in the							
Northeast	90.9%	(87.5, 93.4)	86.5%	(82.8, 89.5)	-4.4	(-9.1, 0.4)	0.07
<b>Midwest</b>	<b>85.5%</b>	<b>(79.7, 89.9)</b>	<b>88.6%</b>	<b>(85.0, 91.4)</b>	<b>3.1</b>	<b>(0.1, 6.0)</b>	<b>0.04</b>
South	90.9%	(89.0, 92.5)	88.9%	(86.1, 91.2)	-2.0	(-5.4, 1.4)	0.24
West	93.4%	(89.6, 95.9)	94.5%	(92.2, 96.1)	1.0	(-0.5, 2.6)	0.18
Occupants in							
Urban Areas	90.5%	(88.9, 91.9)	90.2%	(88.7, 91.5)	-0.3	(-2.0, 1.3)	0.69
Rural Areas	89.5%	(86.9, 91.6)	88.7%	(86.1, 90.9)	-0.7	(-3.5, 2.1)	0.59
Occupants Traveling During							
Weekdays	90.0%	(88.3, 91.5)	89.5%	(87.9, 91.0)	-0.5	(-2.4, 1.4)	0.61
Weekday Rush Hours	89.9%	(88.3, 91.4)	89.7%	(88.0, 91.2)	-0.3	(-2.3, 1.8)	0.80
Weekday Non-Rush Hours	90.1%	(87.9, 91.9)	89.4%	(87.2, 91.2)	-0.7	(-2.7, 1.3)	0.48
Weekends	90.4%	(88.4, 92.1)	90.0%	(88.5, 91.4)	-0.4	(-2.0, 1.2)	0.62

<sup>1</sup> Drivers and right-front passengers of all observed passenger vehicles

<sup>2</sup> Shoulder belt use observed from 7 a.m. to 6 p.m.

<sup>3</sup> The Wilson Confidence Interval has the form:  $\{(2n_{\text{eff}}p + t^2) \pm t\sqrt{(t^2 + 4n_{\text{eff}}pq)}\} / 2(n_{\text{eff}} + t^2)$ , where  $p$  is the estimated percentage of Belt Use,  $n_{\text{eff}} = n / \text{DEFF}$  is the effective sample size (where  $n$  is the sample size and  $\text{DEFF}$  is the design effect),  $t = t_{1-\alpha/2}(df)$  is a multiplier from the  $t$ -distribution with  $df$  degrees of freedom, and  $q = 1 - p$ . For percentages these endpoints are multiplied by 100.

<sup>4</sup> The regular symmetric interval was used for the estimated change in percentage point, which is in the form:  $p \pm t_{1-\alpha/2}(df)\sqrt{v(p)}$ , where  $p$  is the estimated change in percentage point,  $v(p)$  is its estimated variance, and  $t_{1-\alpha/2}(df)$  is a multiplier from the  $t$ -distribution with  $df$  degrees of freedom.

<sup>5</sup> A **p-value of 0.05 or less indicates that there is a statistically significant difference (at the alpha=0.05 level) between the 2016 and 2017 estimates for the group in question, indicated with bold type.**

<sup>6</sup> Use rates reflect the laws in effect at the time data were collected.

<sup>7</sup> Belt use rate, 95% Confidence Interval, annual changes have been rounded to the nearest tenth. Annual changes have been computed based on unrounded estimates and may not equal those based on displayed values.

Data Source: National Occupant Protection Use Survey, National Highway Traffic Safety Administration, National Center Statistics and Analysis.

## Survey Methodology

The National Occupant Protection Use Survey is the only nationwide probability-based observational survey of seat belt use in the United States. The survey observes seat belt use as it actually occurs at randomly selected roadway sites, and thus provides the best tracking of the extent to which passenger vehicle occupants in this country are buckling up.

The survey data is collected by sending trained observers to probabilistically sampled roadways, who observe passenger vehicles between the hours of 7 a.m. and 6 p.m. Observations are made either while standing at the roadside or, in the case of expressways, while riding in a vehicle in the traffic. In order to capture the true behavior of passenger vehicle occupants, the NOPUS observers do not stop vehicles or interview occupants. The 2017 NOPUS data was collected from June 5 to July 1, 2017, while the 2016 data was collected from June 6 to June 25, 2016.

The NOPUS uses a complex, multistage probability sample, statistical data editing, imputation of unknown values, and complex estimation procedures. The sample sites for the 2017 NOPUS were the same as that from the 2016 NOPUS sample sites. Table 2 shows the observed sample sizes of the 2017 NOPUS Moving Traffic Survey. A total of 125,712 occupants were observed in the 101,503 vehicles at the 1,966 data collection sites.

Table 2  
**Sites, Vehicles, and Occupants\* Observed**

Numbers of	2016	2017	Percentage Change
Sites Observed	1,966	1,966	0.00%
Vehicles Observed	100,776	101,503	0.72%
Occupants Observed*	124,746	125,712	0.77%

\*Drivers and right-front passengers only.

Because the NOPUS sites were selected probabilistically, we can analyze the statistical significance of the results. Statistically significant increases in seat belt use from 2016 to 2017 are identified in Table 1 by a p-value that is 0.05 or less in the table's far-right column.

Data collection, estimation, and variance estimation for the NOPUS are conducted by Westat, Inc., under the direction of NHTSA's National Center for Statistics and Analysis under Federal contract number DTNH22-13-D-00284.

## Definitions

Under NOPUS observation protocols, a driver or right-front passenger is considered "belted" if a shoulder belt appears to be across the front of the body.

A jurisdiction that can enforce traffic laws, such as a State or the District of Columbia, has a "primary enforcement law" if occupants can be ticketed simply for not using their seat belts. Under "secondary enforcement laws" an occupants must be stopped for another violation, such as an expired license tag, before being cited for seat belt nonuse. As of May 31, 2017, primary laws were in effect in 34 States and the District of Columbia, 15 States had secondary laws, and 1 State (New Hampshire) effectively has no adult seat belt laws. (In New Hampshire, it is legal for occupants over age 18 to ride unbelted.) Table 3 provides a list of the States with "primary enforcement laws."

Table 3  
**States With Primary Enforcement Seat Belt Laws\***

Alabama	Hawaii	Michigan	Rhode Island
Alaska	Illinois	Minnesota	South Carolina
Arkansas	Indiana	Mississippi	Tennessee
California	Iowa	New Jersey	Texas
Connecticut	Kansas	New Mexico	Utah
Delaware	Kentucky	New York	Washington
District of Columbia	Louisiana	North Carolina	West Virginia
Florida	Maine	Oklahoma	Wisconsin
Georgia	Maryland	Oregon	

\*States with laws in effect as of May 31, 2017.

"Expressways" are defined to be roadways with limited access, while "surface streets" comprise all other roadways. "Rush hours" are defined as the time periods 7 to 9:30 a.m. and 3:30 to 6 p.m.

A roadway is defined to have "fast traffic" if during the observation period the average speed of passenger vehicles that pass the observer exceeds 50 mph, with "medium-speed traffic" defined as 31 to 50 mph and "slow traffic" defined as 30 mph or slower.

A roadway is defined to have "heavy traffic" if the average number of vehicles on the roadway during the observation period is greater than 5 per lane per mile, with "moderately dense traffic" defined as greater than 1 but less than or equal to 5 vehicles per lane per mile, and "light traffic" as less than or equal to 1 vehicle per lane per mile.



The survey uses the following definitions of geographic regions, which are defined in terms of the States contained in the region below:

Northeast: CT, MA, ME, NH, NJ, NY, PA, RI, VT

Midwest: IA, KS, IL, IN, MI, MN, MO, ND, NE, OH, SD, WI

South: AL, AR, DC, DE, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, WV

West: AK, AZ, CA, CO, HI, ID, MT, NM, NV, OR, UT, WA, WY

Seat belt use rates reflect the State laws in effect at the time of data collection.

### For More Information

This Research Note was written by Hongying (Ruby) Li and Timothy M. Pickrell, mathematical statisticians in the Mathematical Analysis Division, National Center for Statistics and Analysis, NHTSA. For questions regarding the information presented in this document, please contact [ruby.li@dot.gov](mailto:ruby.li@dot.gov).

Additional data and information on the survey design and analysis procedures will be available in upcoming publications to be posted at the website <https://crashstats.nhtsa.dot.gov/#/>.

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. In 2016 alone, seat belts saved an estimated 14,668 lives (Traffic Safety Facts: Lives Saved in 2016 by Restraint Use and Minimum-Drinking-Age Laws, NHTSA, Report No. DOT HS 812 454). For more information on the campaign by NHTSA and the States to increase seat belt use, see [www.nhtsa.gov/CIOT](http://www.nhtsa.gov/CIOT).

The NOPUS also observes other types of restraints, such as child restraints and motorcycle helmets, and observes driver electronic device use. This publication is part of a series that presents overall results from the survey on these topics. Please refer to the upcoming research notes and technical reports in the series, such as "Motorcycle Helmet Use in 2017—Overall Results," for the latest data on these topics.

Suggested APA format citation for this report:

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This research note and other general information on highway traffic safety may be accessed by Internet users at: <https://crashstats.nhtsa.dot.gov/#/>.



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# TRAFFIC SAFETY FACTS

## Crash • Stats



DOT HS 812 546

A Brief Statistical Summary

June 2018 (revised)

## Seat Belt Use in 2017—Use Rates in the States and Territories

**Highlights:** In 2017 seat belt use in the United States ranged from 67.6 percent in New Hampshire to 97.1 percent in Georgia. Twenty-three States, the District of Columbia, Guam, and the Northern Mariana Islands achieved seat belt use rates of 90 percent or higher. These results are from probability-based observational surveys conducted by the 50 States, the District of Columbia, and U.S. Territories.

**Background:** In 2011 NHTSA established new uniform criteria (per 23 CFR Part 1340) for observational surveys. Compliance with the criteria is verified annually by NHTSA's National Center for Statistics and Analysis.

**Results:** Seat belt use rates in the States, the District of Columbia, Puerto Rico, other U.S. Territories, and nationwide from 2010 to 2017 are listed in the table below. Rates in jurisdictions with primary seat belt enforcement during the calendar year of the survey are shaded in the table. However, the law might not have taken effect when the survey was being conducted.

The 2017 State and Territory survey results include the following:

■ Twenty-three States, the District of Columbia, Guam, and the Northern Mariana Islands achieved a belt use rate of 90 percent or higher. These States include, in descending order of belt use rate, Georgia, Hawaii, Oregon, California, Washington, Michigan, New Jersey, Illinois, New York, Indiana, Alabama, South Carolina, Maryland, Minnesota, Texas, New Mexico, Delaware, Iowa, North Carolina, Nevada, Connecticut, Florida, and Alaska. Jurisdictions with stronger seat belt enforcement laws continue to exhibit generally higher use rates than those with weaker laws.

### National Seat Belt Use Rate

The nationwide seat belt use rate was 89.7 percent in 2017 as measured by NHTSA's National Occupant Protection Use Survey (NOPUS). NOPUS is a national probability-based survey, independent from State belt use surveys. NOPUS provides NHTSA's official measure of nationwide seat belt use in the United States and other related information. Due to a difference in survey methodology, NOPUS provides a different measure of nationwide use than would be obtained by combining the use rates from the States and Territories.

Seat Belt Use in the States, U.S. Territories, and Nationwide, 2010–2017

State or U.S. Territory	2010	2011	2012	2013	2014	2015	2016	2017	2016–2017 Change
Alabama	91.4%	88.0%	89.5%	97.3%	95.7%	93.3%	92.0%	92.9%	0.9%
Alaska	86.8%	89.3%	88.1%	86.1%	88.4%	89.3%	88.5%	90.1%	1.6%
Arizona	81.8%	82.9%	82.2%	84.7%	87.2%	86.6%	88.0%	86.1%	-1.9%
Arkansas	78.3%	78.4%	71.9%	76.7%	74.4%	77.7%	75.1%	81.0%	5.9%
California	96.2%	96.6%	95.5%	97.4%	97.1%	97.3%	96.5%	96.2%	-0.3%
Colorado	82.9%	82.1%	80.7%	82.1%	82.4%	85.2%	84.0%	83.8%	-0.2%
Connecticut	88.2%	88.4%	86.8%	86.6%	85.1%	85.4%	89.4%	90.3%	0.9%
Delaware	90.7%	90.3%	87.9%	92.2%	91.9%	90.4%	91.4%	91.4%	0.0%
District Of Columbia	92.3%	95.2%	92.4%	87.5%	93.2%	95.5%	94.1%	93.6%	-0.5%
Florida	87.4%	88.1%	87.4%	87.2%	88.8%	89.4%	89.6%	90.2%	0.6%
Georgia	89.6%	93.0%	92.0%	95.5%	97.3%	97.3%	97.2%	97.1%	-0.1%
Hawaii	97.6%	96.0%	93.4%	94.0%	93.5%	92.8%	94.5%	96.9%	2.4%
Idaho	77.9%	79.1%	79.0%	81.6%	80.2%	81.1%	82.9%	81.2%	-1.7%
Illinois	92.6%	92.9%	93.6%	93.7%	94.1%	95.2%	93.0%	93.8%	0.8%
Indiana	92.4%	93.2%	93.6%	91.6%	90.2%	91.9%	92.4%	93.0%	0.6%
Iowa	93.1%	93.5%	92.4%	91.9%	92.8%	93.0%	93.8%	91.4%	-2.4%
Kansas	81.8%	82.9%	79.5%	80.7%	85.7%	82.1%	87.0%	82.0%	-5.0%

Table continues on next page

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Seat Belt Use in the States, U.S. Territories, and Nationwide, 2010–2017 (continued)

State or U.S. Territory	2010	2011	2012	2013	2014	2015	2016	2017	2016–2017 Change
Kentucky	80.3%	82.2%	83.7%	85.0%	86.1%	86.7%	86.5%	86.8%	0.3%
Louisiana	75.9%	77.7%	79.3%	82.5%	84.1%	85.9%	87.8%	87.1%	-0.7%
Maine	82.0%	81.6%	84.4%	83.0%	85.0%	85.5%	85.8%	88.9%	3.1%
Maryland	94.7%	94.2%	91.1%	90.7%	92.1%	92.9%	90.8%	92.1%	1.3%
Massachusetts	73.7%	73.2%	72.7%	74.8%	76.6%	74.1%	78.2%	73.7%	-4.5%
Michigan	95.2%	94.5%	93.6%	93.0%	93.3%	92.8%	94.5%	94.1%	-0.4%
Minnesota	92.3%	92.7%	93.6%	94.8%	94.7%	94.0%	93.2%	92.0%	-1.2%
Mississippi	81.0%	81.9%	83.2%	74.4%	78.3%	79.6%	77.9%	78.8%	0.9%
Missouri	76.0%	79.0%	79.4%	80.1%	78.8%	79.9%	81.4%	84.0%	2.6%
Montana	78.9%	76.9%	76.3%	74.0%	74.0%	77.0%	76.0%	78.0%	2.0%
Nebraska	84.1%	84.2%	78.6%	79.1%	79.0%	79.6%	83.3%	85.9%	2.6%
Nevada	93.2%	94.1%	90.5%	94.8%	94.0%	92.1%	89.4%	90.6%	1.2%
New Hampshire	72.2%	75.0%	68.6%	73.0%	70.4%	69.5%	70.2%	67.6%	-2.6%
New Jersey	93.7%	94.5%	88.3%	91.0%	87.6%	91.4%	93.4%	94.1%	0.7%
New Mexico	89.8%	90.5%	91.4%	92.0%	92.1%	93.3%	92.3%	91.5%	-0.8%
New York	89.8%	90.5%	90.4%	91.1%	90.6%	92.2%	91.8%	93.4%	1.6%
North Carolina	89.7%	89.5%	87.5%	88.6%	90.6%	89.9%	91.7%	91.4%	-0.3%
North Dakota	74.8%	76.7%	80.9%	77.7%	81.0%	80.4%	82.8%	79.3%	-3.5%
Ohio	83.8%	84.1%	82.0%	84.5%	85.0%	83.9%	83.8%	82.8%	-1.0%
Oklahoma	85.9%	85.9%	83.8%	83.6%	86.3%	84.5%	86.6%	86.9%	0.3%
Oregon	97.0%	96.6%	96.8%	98.2%	97.8%	95.5%	96.2%	96.8%	0.6%
Pennsylvania	86.0%	83.8%	83.5%	84.0%	83.6%	82.7%	85.2%	85.6%	0.4%
Rhode Island	78.0%	80.4%	77.5%	85.6%	87.4%	86.7%	87.5%	88.3%	0.8%
South Carolina	85.4%	86.0%	90.5%	91.7%	90.0%	91.6%	93.9%	92.3%	-1.6%
South Dakota	74.5%	73.4%	66.5%	68.7%	68.9%	73.6%	74.2%	74.8%	0.6%
Tennessee	87.1%	87.4%	83.7%	84.8%	87.7%	86.2%	88.9%	88.5%	-0.4%
Texas	93.8%	93.7%	94.0%	90.3%	90.7%	90.5%	91.6%	91.9%	0.3%
Utah	89.0%	89.2%	81.9%	82.4%	83.4%	87.2%	87.9%	88.8%	0.9%
Vermont	85.2%	84.7%	84.2%	84.9%	84.1%	85.0%	80.0%	84.5%	4.5%
Virginia	80.5%	81.8%	78.4%	79.7%	77.3%	80.9%	79.0%	85.3%	6.3%
Washington	97.6%	97.5%	96.9%	94.5%	94.5%	94.6%	94.7%	94.8%	0.1%
West Virginia	82.1%	84.9%	84.0%	82.2%	87.8%	89.0%	86.8%	89.7%	2.9%
Wisconsin	79.2%	79.0%	79.9%	82.4%	84.7%	85.8%	88.4%	89.4%	1.0%
Wyoming	78.9%	82.6%	77.0%	81.9%	79.2%	79.8%	80.5%	84.8%	4.3%
<b>Nationwide*</b>	<b>85%</b>	<b>84%</b>	<b>86.0%</b>	<b>87.0%</b>	<b>86.7%</b>	<b>88.5%</b>	<b>90.1%</b>	<b>89.7%</b>	<b>-0.4%</b>
Puerto Rico	NA	91.9%	90.2%	89.7%	89.5%	91.8%	93.8%	87.9%	-5.9%
American Samoa	73.0%	77.0%	75.0%	74.9%	76.3%	77.0%	82.9%	84.9%	2.0%
Guam	85.0%	81.0%	81.4%	93.8%	90.1%	91.5%	90.1%	91.0%	0.9%
No. Mariana Islands	80.9%	93.7%	NA	90.5%	91.4%	95.6%	92.3%	92.2%	-0.1%
U.S. Virgin Islands	86.4%	85.6%	77.9%	76.8%	66.1%	82.7%	79.1%	NA	NA

**Note:** Rates in jurisdictions with primary belt enforcement during the calendar year of the survey are shaded.

NA: No rate reported.

\*The "nationwide" rates are from NHTSA's National Occupant Protection Use Survey (NOPUS).

Suggested APA Format Citation:

National Center for Statistics and Analysis. (2018, June (revised)). *Seat Belt Use in 2017—Use Rates in the States and Territories* (Traffic Safety Facts Crash•Stats. Report No. DOT HS 812 546). Washington, DC: National Highway Traffic Safety Administration.



U.S. Department of Transportation  
**National Highway Traffic Safety Administration**

For questions regarding the information presented in this report, please contact [NCSAWEB@dot.gov](mailto:NCSAWEB@dot.gov). This Crash•Stats and other general information on traffic safety can be found at [www-nrd.nhtsa.dot.gov/cats/index.aspx](http://www-nrd.nhtsa.dot.gov/cats/index.aspx)



- Only 75 percent of North Dakotans wear seatbelts all the time – this is 10 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/812546>)
- 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. In 2016 alone, seat belts saved an estimated 14,668 lives, including 29 people in North Dakota. If all North Dakotans wore seatbelts, an additional 12 lives could be saved. (While this number seems small – these are sons and daughters, moms and dads that never came home – if you have a personal story about this, you should include)  
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812454>,  
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812465>
- 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>
- This data is a bit old, but it found that implementing a primary seatbelt law in North Dakota would save at least \$90 million over seven years. This includes at least \$1 million from Medicaid and another \$8.4 million for private insurers (and that's the lower estimate, it goes higher if more people wear seatbelts).  
<https://www.ugpti.org/resources/reports/downloads/dp-225.pdf>
  - 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 2017 was \$433.8 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, that is \$1,049 per person.

CDC also has this interesting cost calculator – you may not want to put it in your testimony, but you should share it with legislators. It shows how much money could be saved by implementing various interventions, including a primary seatbelt law. I did it, and it found that 8 lives would be saved along with \$28 million (with a budget of \$1 million to implement). <https://www.cdc.gov/motorvehiclesafety/calculator/>

**Senate Transportation Committee**  
**Senate Bill 2060**  
**Thursday, January 10, 2019**

Good morning Chairman Rust and members of the Senate Transportation Committee, my name is Sergeant Wade Kadrmas, Safety and Education Officer from the North Dakota Highway Patrol. I am here to provide follow-up information at your request following our testimony last week in support of SB 2060.

The first item I will discuss is the enforcement of the current law, NDCC 39-21-41.4 and 39-21-41.5. Currently, it is against the law to not wear a seatbelt as a front seat occupant of a motor vehicle. The seatbelt law, however, can only be enforced in a secondary manner, meaning you need to be stopped for another violation of law. Those laws could include any traffic related offense or vehicle equipment violation and apply only to front seat occupants.

The second area I will discuss are the exemptions to the current law which an individual is not required to wear a seatbelt. Those exemptions come from a couple different areas of North Dakota Century Code. The first list comes from NDCC 39-21-41.4

- The occupants of any vehicle manufactured before January 1, 1965. Vehicles were not required to have seatbelts prior to this date. After January 1, 1968 all vehicles were required to have lap and shoulder belts.
- Drivers of implements of husbandry – Every vehicle designed exclusively for agricultural, horticultural, or livestock raising operations. These vehicles are not subject to registration for highway use (tractors, combines, etc.).
- Operators of farm vehicles as defined in subsection 5 of 39-04-19.
  - Vehicles must be used exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial use.
  - Vehicle combination weight must be between 20,000 and 105,500 lbs.
- Rural mail carriers while on duty delivering mail
- Occupant with a medical or physically disabling condition that prevents appropriate restraint use
  - If a qualified medical practitioner provides a signed statement in good faith.



- If all front seat restraints are in use by others

The third area I will discuss are instances in which seatbelt or occupant protection laws are enforced on a primary basis.

- North Dakota century code 39-21-41.2, relating to child restraint usage. Occupants under the age of 8 are required to be in a child restraint system anywhere within the vehicle.
- Children ages 8-17 in a motor vehicle must be in either a child restraint system or correctly buckled in a safety belt.
- Operators and occupants of commercial vehicles subject to Federal Motor Carrier Safety regulations. The State of North Dakota has adopted these regulations under 39-21-46.3 and the North Dakota Highway Patrol is responsible for the enforcement of these federal laws applicable to commercial carriers. The North Dakota Highway Patrol is the only agency in the state able to issue citations under the federal code due to the training and certification received.

The fourth area I will discuss are the publicized nation-wide seatbelt enforcement campaigns. You have all probably heard the ads on television advertising the "click it or ticket" campaigns held periodically across the nation. This is a marketing campaign to increase the awareness and encourage seatbelt usage. There is normally overtime funding provided by National Highway Traffic Safety Administration for law enforcement agencies to put more officers on the road focusing on occupant protection enforcement. During these periods, aside from additional resources focusing on such violations, all other laws remain in effect relating to the enforcement of those not wearing safety belts. The information I have provided you today is still the framework law enforcement must operate under.

Thank you for the opportunity to come in and provide further clarification today, I am happy to answer any questions you may have.

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**David Hafner**

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**Box 21  
Hazen, ND 58545  
Cell: 701-891-2949**

Senator David Rust  
Chairman, Senate Transportation Committee  
ND State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58501

Re: SB2060

In addition to the verbal testimony I provided on January 3, 2019 at the Senate Transportation Committee hearing regarding SB2060, I wish to submit the following written comments.

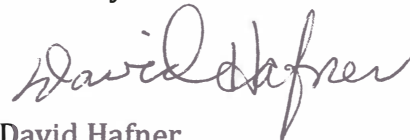
One message provided by the sponsor of SB2060 at the hearing on January 3<sup>rd</sup> suggested that education seems to fall on deaf ears and that the education message regarding training has been lost and/or is not furthering the importance of using safety belts. According to a retired former drivers education instructor/trainer, here are some of the requirements she included in her training program. She taught her students the importance of checking the oil, checking the coolant level as well as tire air pressure. She made it a requirement to learn how to change a tire and drive on gravel roads. She tells me that many parents thought this kind of training was unnecessary. At what point has there been sufficient training to produce a responsible driver?

Here's my next point. Who is to say at the scene of an accident whether or not a victim would be dead or alive as a result of a person's failure to use a seat belt. There is the case of an accident three miles from my farmyard. Two young boys were driving down the road to go swimming. They wanted to make a left hand turn. Two vehicles were following behind them. The second of the two vehicles behind them, a semi-tractor trailer, turned out to overtake the two vehicles in front of him. The passing semi-tractor trailer impacted the left hand side of the vehicle driven by the two young boys who were making their left hand turn. These boys were not wearing seat belts. The bumper of the semi-tractor trailer ended up on the counsel of the boys' vehicle. Both young boys were pinned against the passenger door of their vehicle. If the driver had been wearing a seat belt, would he be dead or alive today. I'm happy to report he survived the accident.

Here's a case with which I'm familiar that illustrates the trauma everyone experiences at an accident scene irrespective of whether passengers are wearing a seat belt or not. At least it was traumatic for me. On a Saturday night in 1967, I came upon an accident. The Highway Patrol was already at the scene. Due to the accident, I stopped. The highway patrolman approached me and asked me to standby in order to assist in transporting injured parties to the hospital. At the hospital I was further requested to continue to standby in the event the injured parties needed to be transferred to a Bismarck hospital. It's now beyond 2:00 AM. I was still living at home and working with my parents. It was essential I call my parents and let them know that I may not be home for several hours. I knew the fact that the telephone would be ringing at 2:00 AM would generate a certain amount of anxiety because of their fear that the news at 2:00 AM would not be good. I reassured them that I was fine and not to worry if I'm not home for several hours because I was asked to remain at the hospital until it was determined whether or not the injured people needed transportation to Bismarck. In those days, the only ambulance service was provided by the local funeral home. Therefore, my presence was required.

I feel with proper education and training most people are capable of deciding whether or not a seat belt is essential or not. A mandatory regulation will not persuade everyone to wear a seat belt all the time. I respectfully request the Senate Transportation Committee give SB2060 a Do Not Pass recommendation.

Sincerely Yours,

A handwritten signature in cursive script that reads "David Hafner". The signature is written in dark ink and is positioned above the printed name.

David Hafner

SB 2060  
3-1-19  
#1

**Department of Human Services  
Medical Services Division  
Medicaid Claims Incurred CY 2013 through CY 2017 for Individuals Identified by DOT as Unbelted  
2019 Senate Bill 2060**

**Total Paid Based on DOT  
Reported Date of Accident**

<b>Time Period: Incurred Year</b>	<b>Patients</b>	<b>Net Pay Epis Total</b>
2013	18	\$400,970.89
2014	12	\$60,701.31
2015	14	\$381,812.41
2016	17	\$41,752.03
2017	18	\$271,020.97
<b>Aggregate</b>	<b>79</b>	<b>\$1,156,257.61</b>

**Summary by Category of Service (2013-2017)**

<b>Episode Summary Group</b>	<b>Patients</b>	<b>Net Pay Epis Total</b>
Arthropathies/Joint Disord NEC	6	\$4,568.26
Cardiac Arrhythmias	2	\$1,204.16
Cardiovasc Disord, NEC	3	\$2,210.08
Condition Rel to Tx - Med/Surg	1	\$9.24
Fracture/Disloc - Hip/Fem Head	8	\$115,004.15
Fracture/Disloc - Knee/Patella	1	\$152.88
Fracture/Disloc - Upper Extrem	6	\$18,988.72
Gastroint Disord, NEC	1	\$30.42
Headache, Migraine/Muscle Tens	2	\$2,847.06
Hernia, External	1	\$0.00
Injury - Abdomen/Trunk	7	\$7,068.84
Injury - Chest Wall	7	\$43,567.16
Injury - Eye	1	\$5,660.18
Injury - Head	13	\$107,052.02
Injury - Knee	1	\$51.06
Injury - Musculoskeletal, NEC	16	\$29,489.85
Injury, NEC	8	\$5,612.57
Mental Hlth - Depression	2	\$1,023.20
Respiratory Disord, NEC	3	\$808.69
Spinal/Back Disord, Ex Low	14	\$810,275.21
Spinal/Back Disord, Low Back	1	\$633.86
<b>Aggregate</b>	<b>79</b>	<b>\$1,156,257.61</b>

Claims for conditions such as pregnancy or chronic medical conditions excluded.

Cannot assure that all expenditures would have been avoided if individuals would have been wearing a seatbelt.

SB2000  
3-1-19  
#2



Zero fatalities. Zero excuses.

Dear Senator,

A constituent in your jurisdiction has died as a result of a motor vehicle crash.

Ardell Johnson was killed in a crash that occurred on County Road 6 in Grand Forks County on July 19<sup>th</sup>. Johnson was 90 years old.

The North Dakota Association of Counties (NDACo) is sharing this information with you as a partner in North Dakota's *Vision Zero* traffic safety initiative. *Vision Zero* includes numerous public and private sector partners working together to achieve the goal of zero motor vehicle crash fatalities and serious injuries in North Dakota.

Crashes are not accidents – they are predictable results of specific actions and they are preventable. Ninety-four percent of crashes can be attributed to preventable human behavior.

Yet, crashes are the second leading cause of unintentional injury-related death in North Dakota. Over 3,000 people were involved in severe motor vehicle crashes in North Dakota in the last five years (2012 to 2016) – 697 people were killed and more than 2,500 seriously injured.

You can play a vital role in supporting North Dakota's *Vision Zero* goal by supporting traffic safety initiatives that promote: (1) widespread public education/outreach, (2) enacting state laws that represent best practices in traffic safety, (3) high visibility enforcement of enacted laws, (4) technology advancement for safer roads and vehicles, and (5) infrastructure/road safety improvements.

**Working together, we will achieve North Dakota's *Vision Zero* goal.**

Thank you for your time to review this information. If you have any questions, please contact me at 701-328-7300 or [terry.traynor@ndaco.org](mailto:terry.traynor@ndaco.org) or Ryan Gellner, the NDACo Traffic Safety Outreach Program Coordinator, at [ryan.gellner@ndaco.org](mailto:ryan.gellner@ndaco.org) or 701-364-9402.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Traynor".

Terry Traynor, Executive Director  
North Dakota Association of Counties

SB 2060  
3-1-19  
#3

Watford City

**City of Watford City**

213 2<sup>nd</sup> St. NE | P.O. Box 494  
Watford City, ND 58854  
Ph. 701-444-2533  
Fax 701-444-3004

[www.cityofwatfordcity.com](http://www.cityofwatfordcity.com)

03/01/2019

9:45 AM – Fort Totten Room

**Urge a DO PASS on SB 2060**

Chairman Ruby and members of House Transportation Committee,

Thank you for the opportunity to submit written testimony in support of SB 2060.

As the Chief of Police of a community with a high percentage of commercial vehicles on our roads, we see a much higher rate of fatal and traumatic injury crashes in our area. Our law enforcement officers have experienced this first hand, and it is documented in the North Dakota Department of Transportation 2018 Vision Zero report. Fatal and traumatic injury crashes have a cost to society as well as to the individual(s) involved. Many assert that societal costs resulting from these crashes reduces or eliminates the option of a personal decision to choose not to buckle up, without penalty. My personal opinion, based on over 30 years of law enforcement experience, is that seatbelt use saves lives and reduces injuries, and their use should be mandatory and enforceable as a primary offense.

There is no need to reiterate the robust statistics that support improved outcomes during crashes achieved by buckling up. If every North Dakotan buckled up before hitting the road, just as their children and grandchildren are taught - and required - to do, our next generation will do the same, and then each succeeding group will have the opportunity for the best possible outcome when crashes inevitably occur.

Thank you again for the opportunity to support a bill that provides additional incentive for seatbelt use and penalty for failing to do so.

I urge a DO PASS recommendation on SB 2060.

Sincerely,

Shawn Doble  
Watford City Chief of Police  
[sndoble@nd.gov](mailto:sndoble@nd.gov)  
(701) 842-2280



SB 2060  
3-1-19  
#4  
P.1

**HOUSE TRANSPORTATION COMMITTEE**  
**March 1, 2019**

**North Dakota Department of Transportation**  
**Karin Mongeon, Safety Division Director**

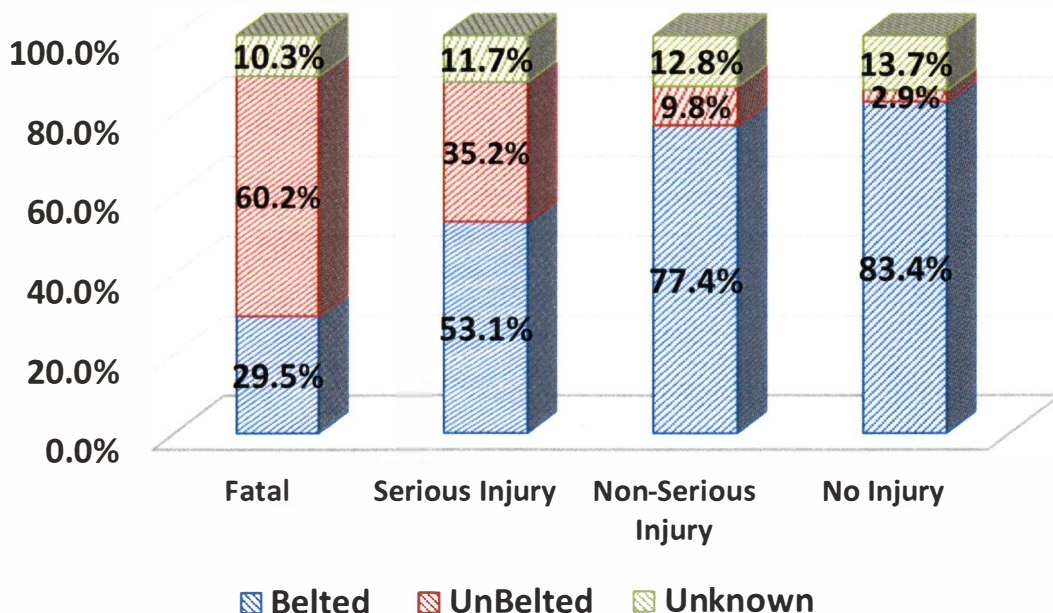
**SB 2060**

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 speak in favor of SB 2060.

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

Crash data collected and analyzed by the NDDOT Safety Division shows that over the most recent five years (2013-2017), 643 people died in motor vehicle crashes. Of those killed where seat belts apply (528) – excluding motorcyclists, bicyclists and pedestrians – 60 percent (318) were not wearing a seat belt, 30 percent were belted, and 10 percent were unknown. 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, 2013-2017**



SB2060  
3-1-19  
#4 p. 2

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 2018 was 82.5 percent. While this may appear high, it’s the 20 percent who do not wear their seat belts – about 150,000 North Dakotans – who remain extremely vulnerable to the consequences of a crash. And, this 20 percent of non-seat belt users is contributing to 60 percent 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.

**Vision Zero**

The NDDOT, along with the North Dakota Highway Patrol, is assigned responsibility for the public safety of road users. The NDDOT takes this responsibility very seriously, and one year 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 North Dakota Highway Patrol and the North Dakota Department of Health.

*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 that states that have a PBL and higher fines for seat belt violations 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 North Dakota citizen support for a PBL has increased 7 percent over the past five years (2014-2018). Sixty-two percent of respondents to this survey in 2018 favored a PBL (Figure 2).

**FIGURE 2**

Year	Percent In Favor of a PBL in North Dakota (Strongly Favored + Somewhat Favored)
2014	55%
2015	56%
2016	58%
2017	61%
2018	62%

A PBL has no cost to State government and will save money. During a November 2018 analysis, North Dakota Workforce Safety and Insurance (WSI) claims data matched with NDDOT crash data shows that point in time costs to WSI for employees injured in unbelted motor vehicle crashes was more than \$12.3



million over the most recent five year period (2013-2017). When indemnity and medical reserves (anticipated spending through the life of the claims) are added, this amount increases to more than \$28 million in costs to WSI. Actual costs to WSI are even higher than what is reported considering not all records were matched between NDDOT and WSI data. And, amounts reported here do not represent costs that were incurred but not yet reported. Costs to WSI can be significantly reduced with consistent seat belt use. The NDDOT is in the process of conducting this same analysis with Medicaid claims data. The analysis is not complete, however, costs are expected to be exponentially higher due to the number of Medicaid recipients.

The work that 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 in order for them to be effective.

I urge you to pass SB 2060 to save lives from motor vehicle crashes in North Dakota.

ATTACHMENT 1

SB2060  
3-1-19  
#4 p.4

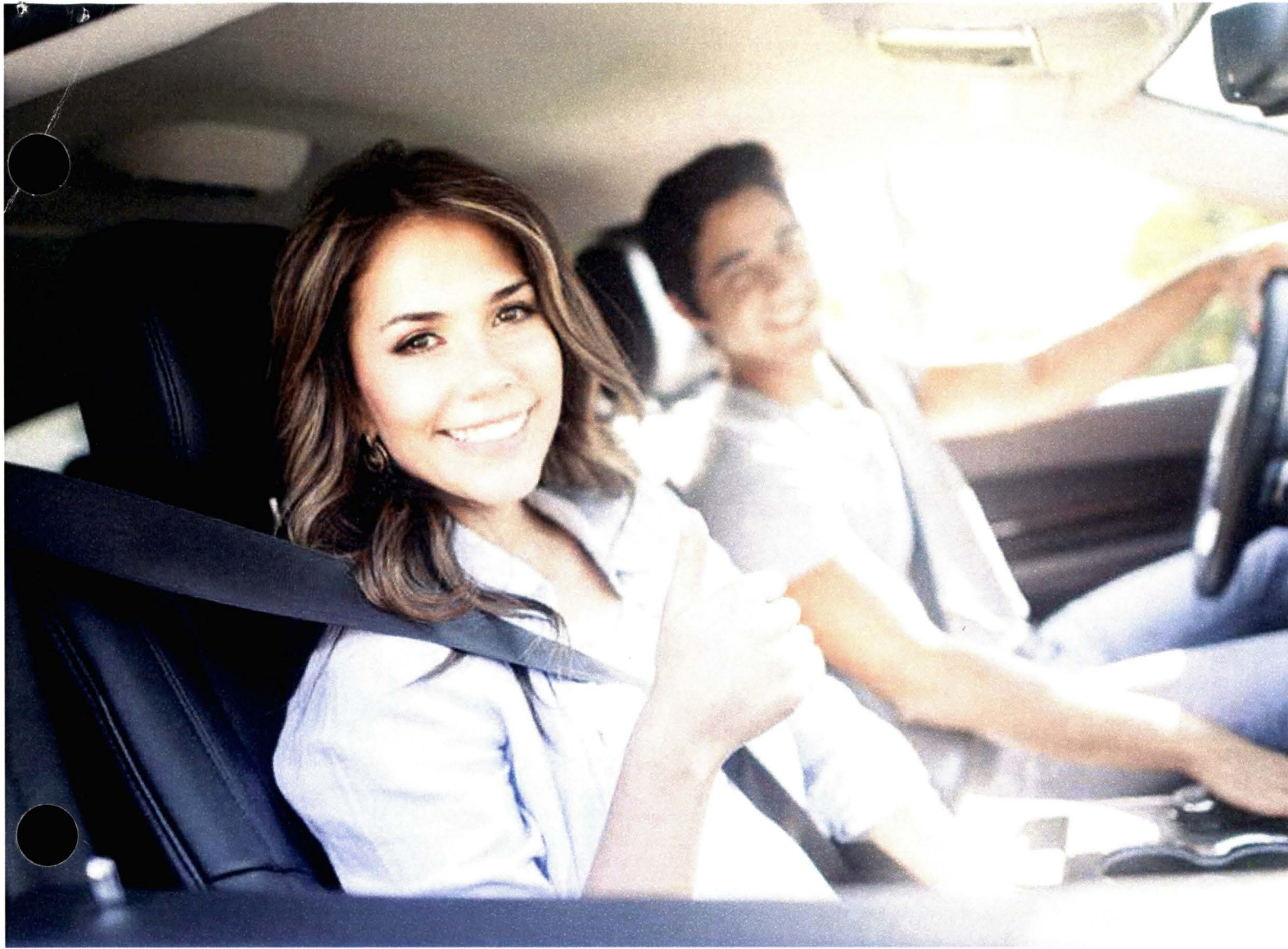
Percent Unrestrained Motor Vehicle Crash Fatalities by State, 2016

State	Observed Seat Belt Use by State										Law Type	Fine Amount	2016 Percent Unrestrained Fatalities
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016			
Oregon	95.3%	96.3%	96.6%	97.0%	96.6%	96.8%	98.2%	97.8%	95.5%	96.2%	Primary	\$ 130.00	22.4%
Minnesota	87.8%	86.7%	90.2%	92.3%	92.7%	93.6%	94.8%	94.7%	94.0%	93.2%	Primary	\$ 100.00	28.7%
New York	83.5%	89.1%	88.0%	89.8%	90.5%	90.4%	91.1%	90.6%	92.2%	91.8%	Primary	\$ 50.00	29.5%
Michigan	93.7%	97.2%	98.0%	95.2%	94.5%	93.6%	93.0%	93.3%	92.8%	94.5%	Primary	\$ 25.00	29.8%
California	94.6%	95.7%	95.3%	96.2%	96.6%	95.5%	97.4%	97.1%	97.3%	96.5%	Primary	\$ 162.00	30.2%
Washington	96.4%	96.5%	96.4%	97.6%	97.5%	96.9%	94.5%	94.5%	94.6%	94.7%	Primary	\$ 124.00	32.8%
Hawaii	97.6%	97.0%	97.9%	97.6%	96.0%	93.4%	94.0%	93.5%	92.8%	94.5%	Primary	\$ 112.00	34.9%
Connecticut	85.8%	88.0%	85.9%	88.2%	88.4%	86.8%	86.6%	85.1%	85.4%	89.4%	Primary	\$ 92.00	36.7%
Iowa	91.3%	92.9%	93.1%	93.1%	93.5%	92.4%	91.9%	92.8%	93.0%	93.8%	Primary	\$ 128.00	37.8%
Illinois	90.1%	90.5%	91.7%	92.6%	92.9%	93.6%	93.7%	94.1%	95.2%	93.0%	Primary	\$ 25.00	38.1%
Maryland	93.1%	93.3%	94.0%	94.7%	94.2%	91.1%	90.7%	92.1%	92.9%	90.8%	Primary	\$ 83.00	39.0%
Texas	91.8%	91.2%	92.9%	93.8%	93.7%	94.0%	90.3%	90.7%	90.5%	91.6%	Primary	\$ 50.00	39.0%
Delaware	86.6%	91.3%	88.4%	90.7%	90.3%	87.9%	92.2%	91.9%	90.4%	91.4%	Primary	\$ 25.00	42.5%
Wisconsin	75.3%	74.2%	73.8%	79.2%	79.0%	79.9%	82.4%	84.7%	85.8%	88.4%	Primary	\$ 10.00	42.7%
West Virginia	89.6%	89.5%	87.0%	82.1%	84.9%	84.0%	82.2%	87.8%	89.0%	86.8%	Primary	\$ 25.00	43.0%
North Carolina	88.8%	89.8%	89.5%	89.7%	89.5%	87.5%	88.6%	90.6%	89.9%	91.7%	Primary	\$ 161.00	43.2%
Indiana	87.9%	91.2%	92.6%	92.4%	93.2%	93.6%	91.6%	90.2%	91.9%	92.4%	Primary	\$ 25.00	43.4%
Massachusetts	68.7%	66.8%	73.6%	73.7%	73.2%	72.7%	74.8%	76.6%	74.1%	78.2%	Secondary	\$ 25.00	43.8%
Florida	79.1%	81.7%	85.2%	87.4%	88.1%	87.4%	87.2%	88.8%	89.4%	89.6%	Primary	\$ 30.00	43.8%
New Jersey	91.4%	91.8%	92.7%	93.7%	94.5%	88.3%	91.0%	87.6%	91.4%	93.4%	Primary	\$ 46.00	43.9%
Utah	86.8%	86.0%	86.1%	89.0%	89.2%	81.9%	82.4%	83.4%	87.2%	87.9%	Primary	\$ 45.00	44.3%
Vermont	87.1%	87.3%	85.3%	85.2%	84.7%	84.2%	84.9%	84.1%	86.0%	80.0%	Secondary	\$ 25.00	44.4%
Georgia	89.0%	89.6%	88.9%	89.6%	93.0%	92.0%	95.5%	97.3%	97.3%	97.2%	Primary	\$ 15.00	45.3%
Tennessee	80.2%	81.5%	80.6%	87.1%	87.4%	83.7%	84.8%	87.7%	86.2%	88.9%	Primary	\$ 25.00	45.7%
Louisiana	75.2%	75.5%	74.5%	75.9%	77.7%	79.3%	82.5%	84.1%	85.9%	87.8%	Primary	\$ 25.00	46.2%
Nevada	92.2%	90.9%	91.0%	93.2%	94.1%	90.5%	94.8%	94.0%	92.1%	89.4%	Secondary	\$ 25.00	46.7%
Ohio	81.6%	82.7%	83.6%	83.8%	84.1%	82.0%	84.5%	85.0%	83.9%	83.8%	Secondary	\$ 30.00	47.4%
Arizona	80.9%	79.9%	80.8%	81.8%	82.9%	82.2%	84.7%	87.2%	86.6%	88.0%	Secondary	\$ 10.00	47.5%
Oklahoma	83.1%	84.3%	84.2%	85.9%	85.9%	83.8%	83.6%	86.3%	84.5%	86.6%	Primary	\$ 20.00	48.0%
Kansas	75.0%	77.4%	77.0%	81.8%	82.9%	79.5%	80.7%	85.7%	82.1%	87.0%	Primary	\$ 10.00	48.1%
Arkansas	69.9%	70.4%	74.4%	78.3%	78.4%	71.9%	76.7%	74.4%	77.7%	75.1%	Primary	\$ 25.00	49.4%
South Carolina	74.5%	79.0%	81.5%	85.4%	86.0%	90.5%	91.7%	90.0%	91.6%	93.9%	Primary	\$ 25.00	49.8%
District of Columbia	87.1%	90.0%	93.0%	92.3%	95.2%	92.4%	87.5%	93.2%	95.5%	94.1%	Primary	\$ 50.00	50.0%
Rhode Island	79.1%	72.0%	74.7%	78.0%	80.4%	77.5%	85.6%	87.4%	86.7%	87.5%	Primary	\$ 40.00	50.0%
Maine	79.8%	83.0%	82.6%	82.0%	81.6%	84.4%	83.0%	85.0%	85.5%	85.8%	Primary	\$ 50.00	50.4%
New Mexico	91.5%	91.1%	90.1%	89.8%	90.5%	91.4%	92.0%	92.1%	93.3%	92.3%	Primary	\$ 25.00	50.7%
Nebraska	78.7%	82.6%	84.8%	84.1%	84.2%	78.6%	79.1%	79.0%	79.6%	83.3%	Secondary	\$ 25.00	51.2%
Colorado	81.1%	81.7%	81.1%	82.9%	82.1%	80.7%	82.1%	82.4%	85.2%	84.0%	Secondary	\$ 71.00	51.4%
Pennsylvania	86.7%	85.1%	87.9%	86.0%	83.8%	83.5%	84.0%	83.6%	82.7%	85.2%	Secondary	\$ 10.00	53.0%
Kentucky	71.8%	73.3%	79.7%	80.3%	82.2%	83.7%	85.0%	86.1%	86.7%	86.5%	Primary	\$ 25.00	54.0%
Alabama	82.3%	86.1%	90.0%	91.4%	88.0%	89.5%	97.3%	95.7%	93.3%	92.0%	Primary	\$ 25.00	54.2%
Mississippi	71.8%	71.3%	76.0%	81.0%	81.9%	83.2%	74.4%	78.3%	79.6%	77.9%	Primary	\$ 25.00	54.7%
Virginia	79.9%	80.6%	82.3%	80.5%	81.8%	78.4%	79.7%	77.3%	80.9%	79.0%	Secondary	\$ 25.00	57.6%
Missouri	77.2%	75.8%	77.2%	76.0%	79.0%	79.4%	80.1%	78.8%	79.9%	81.4%	Secondary	\$ 50.00	57.7%
Idaho	78.5%	76.9%	79.2%	77.9%	79.1%	79.0%	81.6%	80.2%	81.1%	82.9%	Secondary	\$ 10.00	59.4%
North Dakota	82.2%	81.6%	81.5%	74.8%	76.7%	80.9%	77.7%	81.0%	80.4%	82.8%	Secondary	\$ 20.00	62.3%
Alaska	82.4%	84.9%	86.1%	86.8%	89.3%	88.1%	86.1%	88.4%	89.3%	88.5%	Primary	\$ 15.00	63.8%
Montana	79.6%	79.3%	79.2%	78.9%	76.9%	76.3%	74.0%	74.0%	77.0%	76.0%	Secondary	\$ 20.00	64.4%
Wyoming	72.2%	68.6%	67.6%	78.9%	82.6%	77.0%	81.9%	79.2%	79.8%	80.5%	Secondary	\$ 25.00	67.6%
South Dakota	73.0%	71.8%	72.1%	74.5%	73.4%	66.5%	68.7%	68.9%	73.6%	74.2%	Secondary	\$ 25.00	71.6%
New Hampshire	63.8%	69.2%	68.9%	72.2%	75.0%	68.6%	73.0%	70.4%	69.5%	70.2%	None	\$ -	71.9%
Nationwide*	82.0%	83.0%	84.0%	85.0%	84.0%	86.0%	87.0%	87.0%	89.0%	90.0%			

Fines and Law status from: [http://www.ghsa.org/html/stateinfo/laws/seatbelt\\_laws.html](http://www.ghsa.org/html/stateinfo/laws/seatbelt_laws.html)

Percent of Unrestrained Fatalities: [http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/56\\_WY/2014/56\\_WY\\_2014.htm](http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/56_WY/2014/56_WY_2014.htm)





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# Seat Belt Use in North Dakota:

**The Problem, The Cost  
and A Solution to Unbelted  
Motor Vehicle Crashes**

**VISION ZERO**  
Zero fatalities. Zero excuses.

Prepared by North Dakota Department  
of Transportation and Vision Zero Partners

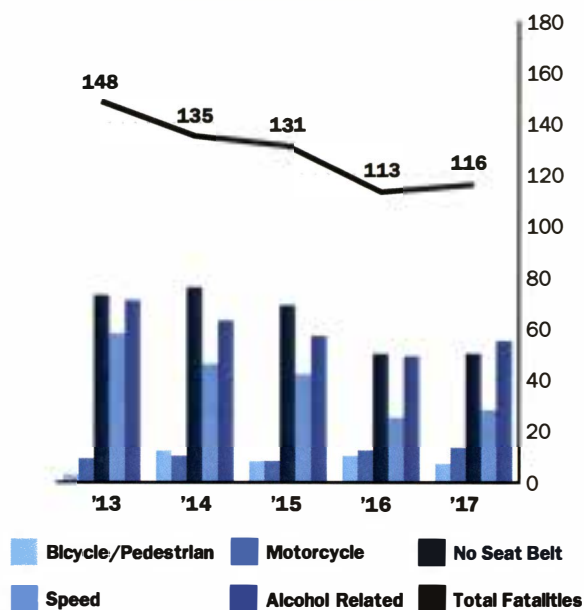
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## The Problem of Unbelted Motor Vehicle Crashes in North Dakota

Motor vehicle crashes are the leading cause of injury-related death in North Dakota.<sup>1</sup>

The number one contributing factor in these motor vehicle deaths is not wearing a seat belt.

**North Dakota Motor Vehicle Fatalities by Type, 2013-2017<sup>2</sup>**



### Seat belts save lives.

Seat belts are the single most effective safety device to prevent death and injury in a motor vehicle crash. Seat belts:<sup>3</sup>

- Prevent collision with other occupants of the vehicle
- Keep people in the vehicle
- Spread the force of impact over a large area and the strongest part of the body
- Allow a person's body to slow down gradually, lessening the impact on internal organs
- Prevent impact with the interior of the vehicle
- Prevent trauma to the brain and spinal cord caused by sudden change in motion

**Yet, many North Dakotans choose not to use their seat belts.**

According to a statewide survey of observed seat belt use, most motorists in North Dakota wear their seat belts. An annual survey of observed seat belt use in North Dakota in 2018 shows that 8 out of every 10 people wear a seat belt (82.5%). But it is those who do not wear seat belts who are much more likely to lose their life in a crash. Approximately 20 percent – about 150,000 people – are still not buckling up.<sup>4</sup>

### Key statistics for unbelted motor vehicle fatalities.<sup>5</sup>

There are more than 15,000 vehicle crashes in North Dakota each year resulting in fatalities, injuries, and property damage.

#### One-year snapshot (2017)

**EVERY 7 DAYS**  
one unbelted vehicle occupant died (ND 2017)

**EVERY 11 DAYS**  
one unbelted vehicle occupant was ejected (ND 2017)

- 55% of the 116 motor vehicle fatalities in North Dakota were not wearing their seat belt (excludes those where seat belts do not apply including pedestrians, bicycles, motorcycles, and off-highway vehicles).
- 68% of unbelted fatalities were partially or totally ejected.
- 81% of single vehicle rollover fatalities were not wearing their seat belt.
- 82% of those unbelted rollover fatalities were either partially or totally ejected.

<sup>1</sup> North Dakota Department of Health, Vital Records

<sup>2</sup> North Dakota Department of Transportation [NDDOT], Safety Division

<sup>3</sup> National Safety Council

<sup>4</sup> North Dakota State University Upper Great Plains Transportation Institute and the NDDOT Safety Division

<sup>5</sup> NDDOT Safety Division

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### Five-year snapshot (2013-2017)

- In North Dakota, over the past 5 years, about 6 out of every 10 people killed in a motor vehicle crash, where seat belts applied, were not wearing a seat belt at the time of the crash. Just 3 of 10 people killed in crashes where seat belts applied were belted. The remainder were unknown to be belted at the time of the crash.
- 80% of the unbelted fatalities were males.

### North Dakota Unbelted Motor Vehicle Fatalities, 2013-2017

Year	Fatalities*	No Seat Belt Used	Percent Unbelted
2013	130	73	56%
2014	110	76	69%
2015	111	69	62%
2016	86	50	58%
2017	91	50	55%

\*Includes fatalities where seat belts were available within the vehicle. Excludes fatalities where seat belts do not apply (pedestrians, bicycles, motorcycles, off-highway vehicles, persons riding on the exterior of motor vehicles, bus passengers, and farm/construction equipment).

**North Dakota seat belt use is falling short of the national average, and our fatality rate is higher.**

### North Dakota vs. United States Motor Vehicle Fatalities and Vehicle Fatality Rate, 2008-2017<sup>6</sup>

Year	ND Fatalities	ND Fatality Rate*	U.S. Fatalities	U.S. Fatality Rate*
2008	104	1.37	37,423	1.26
2009	140	1.76	33,883	1.15
2010	105	1.26	32,999	1.11
2011	148	1.61	32,479	1.10
2012	170	1.68	33,782	1.14
2013	148	1.47	32,893	1.10
2014	135	1.29	32,744	1.08
2015	131	1.30	35,485	1.15
2016	113	1.16	37,461	1.18
2017	116	1.20	37,150**	1.17**

\*Number of fatalities per 100 million vehicle miles traveled.  
\*\*2017 figures are preliminary (NHTSA, May 2018).

While North Dakota's seat belt use has remained relatively stable over time, the national seat belt use rate has surpassed North Dakota's rate over the past 10 years.

## The Cost

### Seat belt use is not just a personal choice.

While some individuals consider seat belt use to be a personal choice, it is a choice that affects nearly everyone — including North Dakota taxpayers.

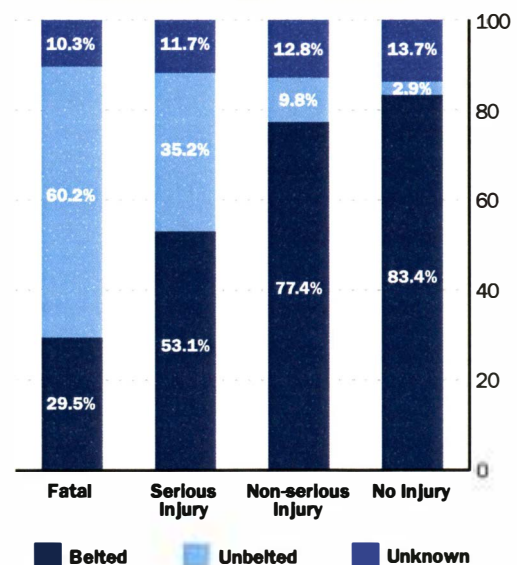
### Unbelted motor vehicle crashes have a high cost to North Dakota.

Motor vehicle crash deaths and injuries resonate beyond the victim and their families. There is also cost to each North Dakota taxpayer in terms of emergency response, medical assistance, increased insurance premiums, unemployment compensation, and more.

### Seat belt use and injury severity: Direct correlation.

Unbelted vehicle occupants in crashes in North Dakota account for the largest percent of fatalities and serious injuries, while belted occupants most commonly receive non-serious or no injuries.

### North Dakota Percent of Restraint Use by Injury Classification, 2013-2017<sup>7</sup>



<sup>6</sup> NDDOT Safety Division and the National Highway Traffic Safety Administration [NHTSA]  
<sup>7</sup> NDDOT Safety Division



## Unbelted crash victims have 50 percent higher medical bills.

Research has shown that unbelted crash victims have medical bills 50 percent higher than belted crash victims.<sup>8</sup>

## \$28 million in costs to North Dakota Workforce Safety and Insurance.

Costs to North Dakota Workforce Safety and Insurance (WSI) – and therefore, North Dakota employers – can be significantly reduced with consistent seat belt use.

In a November 2018 analysis, costs to North Dakota WSI for employees injured in unbelted motor vehicle crashes were more than \$12.3 million over the most recent five-year period of 2013-2017.\*

This amount increases to more than \$28 million in costs to WSI when indemnity and medical reserves (anticipated spending through the life of the claims) are added.

\*Conservative estimate based on WSI claims data matched with NDDOT crash data. Not all records were matched between NDDOT and WSI data, and amounts reported here do not represent costs that were incurred but not yet reported. Actual costs to WSI are likely higher.

## A Solution

*"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 seat belt, was ejected from, and pinned under the vehicle.

### A primary seat belt law.

North Dakota has a secondary seat belt law that allows law enforcement officers to issue a citation for lack of seat belt use only when there is another citable traffic infraction. A primary seat belt law (PBL) would allow law enforcement officers to cite a driver or passenger for not wearing a seat belt, without any other traffic offense taking place.

North Dakota is one of just 15 states with a secondary enforcement law. Other states, the District of Columbia, and all U.S. territories have transitioned to primary enforcement.

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A PBL is proven to work. States that transitioned to a PBL have experienced a 10-12 percent increase in their observed seat belt use.<sup>10</sup>

A majority of North Dakotans favor seat belts. North Dakota's observed seat belt use rate in 2018 was 82.5 percent (for front seat vehicle occupants).<sup>11</sup>

A majority of North Dakotans favor a PBL. Another 2018 statewide survey showed that 62 percent of respondents favored a PBL in North Dakota.<sup>12</sup>

### Individual responsibility.

Changing from a secondary to a primary seat belt law makes it clear to all drivers and passengers that they are responsible to the people of North Dakota for using their seat belts.

### Precedent for primary law.

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 North Dakota.

Existing requirements include:

- Drivers must be licensed.
- Drivers must obey speed limits and traffic laws.
- Drivers must wear corrective lenses if necessary.
- 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. But, law enforcement cannot primarily enforce this law resulting in non-compliance among some drivers and occupants.

## VISION ZERO

Zero fatalities. Zero excuses.

North Dakota's Vision Zero strategy aims to establish a culture of personal responsibility where motor vehicle fatalities and serious injuries are recognized as preventable and not tolerated. This means addressing both the causes of crashes and the extent of human injuries and fatalities when crashes occur.

VisionZero.ND.gov

<sup>8</sup> NHTSA

<sup>9</sup> NDDOT Safety Division and NHTSA

<sup>10</sup> NHTSA

<sup>11</sup> NDDOT Safety Division

<sup>12</sup> NDDOT Safety Division



HOUSE TRANSPORTATION COMMITTEE

March 1, 2019

North Dakota Safety Council

Terry Weaver, Traffic Safety Manager

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The North Dakota Safety Council (NDSC) is a private non-profit organization dedicated to saving lives and preventing injuries. They are a chapter of the National Safety Council (NSC). The NSC advocates for all states to have primary seatbelt laws based on their proven performance to reduce injuries and deaths on state roadways.

As a traffic safety course provider, all of the NDSC's curriculums encompass the importance of wearing seat belts. Today, the data proving that seat belts are effective is so overwhelming, the arguments against their use are no longer statically valid. The only decision states now face is the secondary versus primary status of their laws.

Let's review what we know about the impact felt when a state law has been changed to primary enforcement:

- In 2009, belt use averaged 88 percent in the 30 States (including the District of Columbia) with primary seat belt laws at that time. Seat belt use averaged 77 percent in those states with weaker enforcement laws.
- Studies of 5 States that changed their belt use laws from secondary to primary enforcement found that belt use increased from 12 to 18 percentage points where all passenger vehicles were covered by the law and 8 percentage points in one State where pickup trucks were excluded.
- The Centers for Disease Control and Prevention's systematic review of 13 high-quality studies found that primary laws increase belt use by about 14 percentage points and reduce occupant fatalities by about 8 percent compared to secondary laws.
- In another study, Farmer and Williams (2005) found that passenger vehicle driver death rates dropped by 7 percent when states changed from secondary to primary enforcement.
- On average, States that pass primary seat belt laws can expect to increase seat belt use by eight percentage points. Depending on the level of high-visibility enforcement that they employ, however, far greater results are possible. (*UNC Highway Safety Research Center, 2011*).
- Recent research (Masten, 2007) has provided strong support that changing from a secondary to a primary enforcement seat belt law increases occupant seat belt use during the nighttime hours as well as the daytime hours when most observational surveys of seat belt use are conducted. (*UNC Highway Safety Research Center, 2011, p. 2-13*).
- (Hedlund 2008) studied the effects of primary law changes on seat belt use and occupant fatalities in Michigan, New Jersey, Washington, Delaware, Illinois, and Tennessee. Strong evidence was found in the Fatality Accident Reporting System (FARS) data for all 6 States that primary seat belt laws increase seat belt use. Furthermore, statistically significant decreases in the number of front-seat passenger vehicle occupant fatalities were found in Michigan and Washington. (*FARS is a national database used by all states to track info on fatal crashes and is fed to the National Highway Transportation Safety Administration or NHTSA*).

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We know this change will save lives and save the state millions of dollars each year while costing us nothing.

We have heard some say that if a person chooses to not wear a seat belt, this is a personal freedom issue because they are not harming anyone other than themselves. However, when a family member is seriously injured or killed in a vehicle crash, all of the family, extended family and the community is impacted. Not wearing a seatbelt is also a danger to passengers in the vehicle as a sudden stop or impact will cause an unbelted person to fly through the car at forces 3 to 4 times their weight, essentially becoming a weapon to all others in the vehicle. Therefore, it is NOT true that not wearing your seatbelt harms no one.

The North Dakota Safety Council's Master Trainer, Don Moseman, was a State Trooper in the Denver, Colorado area for nearly 20 years. He investigated nearly 30 fatal vehicle crashes in his career where at least one person in a vehicle was killed. In fact, most of the crashes involved multiple fatalities. In his experience, he never pulled a dead body from a seat belt. Don states, "If a primary seatbelt law encourages one Mom, Dad, Brother, or Sister to wear a seat belt in a situation where they might have not worn one and their life is saved in a crash, this legislation would be worth the effort."

We support SB 2060 and we are asking you join us to save the lives of the citizens of North Dakota.

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## Letter of Support for a Primary Seat Belt Law in the State of North Dakota (Senate Bill 2060)

To the Legislators of the State of North Dakota,

I hereby express my agency's support for Senate Bill 2060 to enact a primary enforcement seat belt law in the State of North Dakota.

Lack of seat belt use is a serious public health and safety issue. Motor vehicle crashes are the leading cause of injury-related death in North Dakota. And, more people die in unbelted crashes in North Dakota than any other single contributing crash factor including drunk driving, distracted driving, or speeding.

In North Dakota, over the past five years (2013-2017), 643 people died in motor vehicle crashes. Of those killed where seat belts apply (528) – excluding motorcycles, bicyclists and pedestrians – 60 percent (318) were not wearing a seat belt. (Source: North Dakota Department of Transportation [NDDOT])

North Dakota's seat belt use rate is 82.5 percent. This means that about 20 percent – about 150,000 North Dakotans – remain extremely vulnerable to the consequences of a crash. This 20 percent is contributing to 60 percent of North Dakota crash fatalities annually. (Source: NDDOT)

Seat belts save lives. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. And, every driver and vehicle occupant should wear one – every trip, every time.

**A Primary Belt Law (PBL) is an evidence-based strategy proven to increase seat belt use.** A PBL is identified in the North Dakota *Vision Zero* Plan as a priority strategy for implementation because it will have immediate and significant impact on reducing crash fatalities and serious injuries in North Dakota. *Vision Zero* is North Dakota's strategy to eliminate motor vehicle crash fatalities and serious injuries on North Dakota roads.

Adopting a PBL will cost nothing and will save money from: (1) wage and productivity losses; (2) medical expenses, including emergency service costs; (3) administrative costs of private and public insurance and law enforcement and legal costs; (4) motor-vehicle damage, including the value of damage to property; and (5) uninsured employer costs for crashes involving workers.

Today, 34 states and the District of Columbia have PBLs while only 15 states have a secondary enforcement law.

It is time for North Dakota to adopt a PBL to save lives from motor vehicle crashes.

Sincerely,

[Insert Name]  
[Insert Title]  
[Insert Agency]

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	Signer	Title	Agency Affiliation
1	Gene LaDoucer	Sr. Public Affairs Representative	AAA- The Auto Club Group (ND)
2	Susan L. Goulding	LPN	Altru Health System
3	Tara Roladson	Physical Therapist	Anne Carlsen Center
4	Travis F. Bateman	Officer	Arnegard Police Department
5	Try White Owl	Chief of Police	Arnegard Police Department
6	Kerry Johnson	Highway Superintendent	Barnes County
7	Kristi Blumhagen	Contract Administrator	Basin Electric
8	Shauna Bang	Safety Coordinator	Benz Oil Co., Inc.
9	Allen Schmidt	Chief of Police	Berthold Police Department
10	Dave Draovitch	Chief of Police	Bismarck Police Department
11	Scott McPherson	Teacher/Drivers Education Instructor	Bismarck Public Schools
12	Brandy Nelson	HR	Bourgault
13	Dusty Grosulak	HSE Manager	Bruin E&P Operating, LLC
14	Kelly Leben	Sheriff	Burleigh County Sheriff's Department
15	Jason Benson	Cass County Engineer	Cass County Highway Department
16	Jeffery A. Osvold	Chief of Police	Cavalier Police Department
17	Janet Erhardt	Drivers Education Instructor	Center Stanton Public School
18	Shannon Kaiser	Alcohol Prevention Specialist and Car Seat Technician	Central Valley Health District
19	Angelia K. Svihovec	VP Regional Services and Advocacy	CHI St. Alexius Health- Bismarck
20	Kristi P. Venhuizen	City Prosecutor	City of Grand Forks
21	LeeAnn Gilbertson	Safety Coordinator	Cole Papers Inc
22	Jennifer Braun MSW, LCSW	Head Start/ Early Head Start Director	Community Action Partnership
23	Keith Bakken	HES Manager	Community Contractors Inc., Grand Forks ND
24	Gary Pederson	HR Manager	Dacotah Paper Co
25	Joseph Knowski	Chief of Police	Devils Lake Police Department
26	Dave Michaelson	Driving School Educator	Dickinson High School & Gotta Go Driving School
27	Carson Neal	Division Manager	Dietrich's of Grand Forks
28	Daryl Dukart	Dunn County Commissioner Rep for Vision Zero	Dunn County
29	Paul Opare-Twum	Safety Manager	E&M Services LLC
30	Dawn Grossman	Owner	Ed's Towing
31	Gerald A Sauman	CEO	Electrical Technologies
32	Philip French	Superintendent	Enderlin Area School
33	Vicky Black	Trauma Program Manager	Essentia Health Fargo
34	Margaret E. Littlefield	Family Advocacy Nurse	Family Advocacy Program @ GFAFB, ND
35	Richard C. Simmons	Safety Director	FBS Consulting, LLC
36	Melissa Jo Young	Driver Education Teacher	Glenburn Public School
37	Jeff McKay	Drivers Education Instructor	Grafton Public Schools
38	Nick West	County Engineer	Grand Forks County
39	Robert W. Rost	GF County Commissioner, Former Sheriff	Grand Forks County Commissioner
40	Jolaine Knain	Parent Aide	Grand Forks County Social Services
41	Ann Hemanson	Resident Service Coordinator	Grand Forks Housing Authority
42	Linsey Naastad	RN	Grand Forks Public School District
43	Tracy Johnson	Head Start Program Director	Grand Forks Public School Head Start Program

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	Signer	Title	Agency Affiliation
44	Lee Ann Jamison	Customer Service Reps	Great Plains Rehabilitation
45	Doug Hogan	Director	Jamestown Parks and Recreation
46	Scott Edinger	Chief of Police	Jamestown Police Department
47	Mohamed Hussein	Vice President	Jasmin Child Care & Preschool
48	Jennifer Zeitler Smith	Drivers Ed. & High School Teacher	Lewis and Clark School District #161
49	Karolin Jappe	Mackenzie Co. Emergency Manager, Alexander VFF & First Responder	Mackenzie County Emergency Management
50	Edward S. Martinez II	Detective Sergeant	Mackenzie County Sheriff's Office
51	Thomas Johnson	Drivers Education Instructor	Mandan Public Schools Drivers Education
52	Michelle Bye	Parent, Family, and Community Engagement Manager	Mayville State University Child Development Program
53	Jackson Knudson	Engineer 2	Mckenzie County
54	Suhail Kanwar	County Engineer/Public Works Director	Mckenzie County
55	Dan Schaefer	Operations Chief	Metro Area Ambulance Service
56	Jason Olson	Chief of Police	Minot Police Department
57	Becky Hardy	Driver Education Instructor	Mt. Pleasant School Rolla #4
58	Ryan Gellner	Program Manager	ND Association of Counties
59	Terry Traynor	Executive Director	ND Association of Counties
60	Genny Dienstmann	Executive Director	ND Association of County Engineers
61	John Rose	President	ND Chiefs of Police Association
62	Boyd D. Westman	Drivers Education Instructor	ND Driver and Traffic Safety Education Association
63	Denise Brown	Training Coordinator	ND Local Technical Assistance Program
64	Mary Korsmo	Executive Director	ND State Association of City and County Health Officials
65	Bob Green	Driver Safety Instructor, NDDTSEA Board Member	North Dakota Driver and Traffic Safety Education Association
66	Michael Jamison	Trainer/Consultant	North Dakota Safety Council
67	Lynae Hanson	Assistant Executive Director	North Dakota Safety Council
68	Jennifer Ackert	Development Coordinator	North Dakota Safety Council
69	Dustin Austin	Safety Consultant	North Dakota Safety Council
70	Darrel Hellman	Environmental, Health & Safety Manager	North Dakota Safety Council
71	Sarah McKenna	Office Manager	North Dakota Safety Council
72	Lindsey Narloch	Information Manager	North Dakota Safety Council
73	Jefferson Beck	Safety Director	NDSC- Member
74	Kristi Kevorkian	Communications Call Center Operator	North Dakota Safety Council
75	Ryan Huber	Police Officer	NDSU PD
76	Sharon G. Young	Emergency Manager	Nelson County Emergency Management
77	Jason Benson	President	North Dakota Association of County Engineers
78	James C. Keller	President of NDDTSEA	North Dakota Driver and Traffic Safety Education Association
79	Terry Weaver	Program Manager	North Dakota Safety Council
80	D.E. Moseman	Master Instructor	North Dakota Safety Council
81	Katherine Zander	Community Protection Manager	North Dakota Safety Council
82	Lindsey Dockter	Marketing Coordinator	North Dakota Safety Council
83	Donnell Preskey	Exec Director ND Sheriffs and Deputies Association	North Dakota Sheriff's & Deputies Association
84	Cory J. Steiner	Superintendent	Northern Cass School
85	Nathan Sandberg	Safety Manager	Northern Improvement Co.
86	Lee Erickson	SADD Coordinator	Northern Lights SADD

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	Signer	Title	Agency Affiliation
87	Matt O'Brien	Chief of Police	Oakes Police Department
88	Theresa Grant	Principal Partner	Okiciya Consulting
89	Kallie Christenson	RN	Pembina County Public Health
90	Greg King	Division Safety Manager	Plains All American Pipeline
91	Terry Davis	Driving Instructor	Public School
92	Meghan Larson	RN and Certified CPS Tech	Ransom County Public Health
93	John Rose	Chief of Police	Rugby Police Department
94	David Schneibel	Fire Chief	Rugby Volunteer Fire Dept
95	Jaci Witty	CPST	Safe Kids Fargo Moorhead
96	Elizabeth Oestreich	Manager, Community Programs	Safe Kids FM
97	Kaitlyn Reiners	Community Life Educator/ Child Passenger Safety Technician	Safe Kids FM and Sanford Childrens
98	Jasmine Wangen	Safe Kids Specialist	Safe Kids Grand Forks
99	Patricia Olsen	Safe Kids Specialist	Safe Kids Grand Forks
100	Carma Hanson	Coordinator	Safe Kids Grand Forks/ Altru Health System
101	Amber Rose Emerson	RN, Safe Kids Minot Coordinator	Safe Kids Minot
102	Johanna Askegard-Giesmann	Pediatric Surgeon	Sanford Children's Hospital
103	Greta Miller	Community Life Educator	Sanford Children's/ Safe Kids Fargo Moorhead
104	Katie Bjornson	Director, Childrens Clinics	Sanford Health
105	Amy Eberle	Trauma Program Manager	Sanford Health
106	Scott Engum	Trauma Surgeon	Sanford Health
107	Nichole Selzler	Trauma RN Program Specialist/ Injury Prevention	Sanford Health Bismarck
108	Jamie Schwan	Paramedic	Sanford Health Fargo
109			Sanford Health Trauma Services
110	Debra Hanson	Peds Trauma Program Coordinator, RN	Sanford Medical Center Fargo
111	Shannon Silbernagel	Lead Probation Officer	Standing Rock Tribal Court
112	David Feland	Chief of Police	Steele Police Dept
113	James A. Thorson	Corporate Safety Director	Strata Corporation
114	Luis Coca III	Chief of Police	Surrey Police Department
115	Carlotta Broeckel	Senior Administrative Staff	Terracon
116	Kristy Thorson	Drivers Education Instructor	TGU School District
117	Rachel Hafner	Executive Director	The Arc, Upper Valley
118	Khrystye Earle	Drivers Education Instructor	Trenton High School
119	Justin Glasser	Manager	Tubular Transport & Logistics
120	Ronald L. Holten	Instructor and Owner	Valley Driver Education, LLC
121	Kody Olson	Safety Manager	Vector Construction Inc
122	Wayne E Holland Jr	Safety	Wade Works LLC
123	Donna Holand	LPN	Walsh County Health District
124	Shawn Doble	Chief of Police	Watford City Police Department
125	Bret Ketcham	Director of Safety	WBI Energy
126	Ryan Holen	Secretary/Treasurer	Weiz & Sons Inc.
127	David A. Peterson	Chief of Police	Williston Police Department
128	Rick Else	Safety Consultant	Workforce Safety & Insurance
129	Lori Bakken	Marketing Director	



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	Signer	Title	Agency Affiliation
130	Serena Schmit		
131	Jim Steckler		
132	Vicki J. Kunz		
133	Lynn Mickelson		
134	Donna Mickelson		
135	David W. Nelson	Retired Judge	
136	Courtney Bryant		
137	Stacy Wagner		
138	Tim Pickering	Permitting Specialist	
139	Kristen Jones	Master of Public Health Student	
140	Rodger Schmidt		
141	Amber Flynn	ND Resident	
142	Michael Wolf	ND Citizen	
143	Sara Bjerke	Athletic Trainer	
144	Steve Larsen	Safety Coordinator	
145	Elizabeth Raymond		
146	Lori Ann Novak		
147	Danaka Walz		
148	Carol Meidinger	private citizen	

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**House Transportation Committee  
Senate Bill 2060  
Friday March 1, 2019**

Good morning Chairman Ruby and members of the House Transportation Committee, my name is Sergeant Wade Kadrmas, Safety and Education Officer from the North Dakota Highway Patrol. I am here today on behalf of my agency to provide testimony in support of Senate Bill 2060.

The first item I would like to cover today is our current seatbelt laws, NDCC 39-21-41.4 and 39-21-41.5. Currently, it is against the law to not wear a seatbelt as a front seat occupant of a motor vehicle. The seatbelt law, however, can only be enforced in a secondary manner, meaning you need to be stopped for another violation of law. Those laws could include any traffic related offense or vehicle equipment violation.

The second area I will cover are the exemptions to the current law. The exemptions to North Dakota's seatbelt law are as follows:

- The occupants of any vehicle manufactured before January 1, 1965 are not required to wear seatbelts. The reason for this is vehicles were not required to have seatbelts prior to this date. After January 1, 1968 all vehicles were required to have lap and shoulder belts. So, drivers are required to wear the lap and shoulder if the vehicle was manufactured after this date.
- Drivers of implements of husbandry – Every vehicle designed exclusively for agricultural, horticultural, or livestock raising operations are exempt. Examples of these vehicles are tractors and combines.
- Operators of farm vehicles as defined in subsection 5 of 39-04-19.
  - This covers farm plated vehicles and vehicles designated as a farm vehicle and used exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial use.
  - Vehicle combination weight must be between 20,000 and 105,500 lbs.
- Rural mail carriers while on duty delivering mail.

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#8 p.2

- Occupants with a medical or physically disabling condition that prevents appropriate restraint use.
  - A qualified medical practitioner needs to provide a signed statement in good faith for this to be valid.
- If all front seat restraints are in use by others than an individual over the age of 17 would not have to wear a seatbelt.

The third area I will discuss are examples when seatbelt laws are enforced on a primary basis.

- North Dakota century code 39-21-41.2, relating to child restraint usage. This states occupants under the age of 8 are required to be in a child restraint system anywhere within the vehicle.
- Children ages 8-17 in a motor vehicle must be in either a child restraint system or correctly buckled in a safety belt.
- Operators and occupants of commercial motor vehicles subject to the Federal Motor Carrier Safety regulations. The State of North Dakota has adopted these regulations under 39-21-46.3 and the North Dakota Highway Patrol is responsible for the enforcement of these laws. The North Dakota Highway Patrol is the only agency in the state able to enforce the federal commercial motor vehicle laws adopted, due to the training and certification received by troopers through the Federal Motor Carrier Safety Administration.

Testimony was given during the Senate Transportation Committee hearing which stated that enforcement of a primary seatbelt law would be difficult for officers to enforce because it is hard for officers to see if drivers or occupants in a vehicle are wearing a seatbelt. This isn't the case. In 2017 and 2018, troopers across the state issued 13,450 occupant protection enforcement contacts. We are currently observing and making the determination that occupants of a vehicle are not wearing seatbelts.

The patrol works diligently to enforce seatbelt violations. Troopers position themselves in places that allow them to see if front seat passengers and children are utilizing occupant protection devices. We look for the contrasting colors of their clothing compared to the color of the seatbelts. We look for the seatbelt to cross over the shoulder of the individual. This is easy to recognize through the rear window or from various angles when parked along the roadway. Seeing a seatbelt clearly dangling from the side pillar is one of the easiest ways to observe the lack of seatbelt use. Also, at times, individuals not wearing seatbelts can be observed while the driver or occupants are attempting to put on a seatbelt as they are being pulled over. We do not and should not be guessing when we enforce secondary and primary occupant protection laws.

Changing the law to primary enforcement relieves officers of the burden to look for a secondary violation and to estimate or judge the age of an individual. It will also allow them to focus on a habit that is statistically known to help reduce serious injury and death when individuals are involved in a crash.

North Dakota's Vision Zero strategy is focused on reducing serious injuries and fatalities during crashes. Law enforcement strives every day to encourage individuals to voluntarily comply with traffic laws to keep others on the roadway safe. Every day there are some individuals who choose to speed, drive impaired, violate other drivers right of way, and drive distracted. The choices by other drivers to violate these laws endanger others on the roadway.

I have compiled activities generated by troopers across the state from 2017 and 2018. During this time, troopers issued 81,115 speed related enforcement activities, that is an average of 111 per day. Troopers issued 16,567 right of way violations over this period, that is an average of 22 per day. Also, during this period troopers issued 1,504 distracted driving enforcement activities, that's an average of two per day. Over this two-year period troopers arrested 2,277 drivers for impaired driving, that's an average of three per day. These are only the drivers that were caught violating our traffic laws and these are only numbers from the highway patrol. Our other law enforcement partners also work hard to encourage individuals to voluntarily comply with our traffic laws.

Primary enforcement allows officers the ability to stop, educate, and reinforce the need to wear seatbelts before the driver and occupants of a vehicle come across one of the irresponsible drivers that travel on our roadways daily. All we want is for individuals driving on our roadways to make smart choices and to voluntarily comply with our states traffic laws for the safety of others.

This concludes my testimony. I am happy to answer any questions.

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**TESTIMONY  
SENATE BILL 2060  
TRANSPORTATION COMMITTEE  
March 1, 2019**

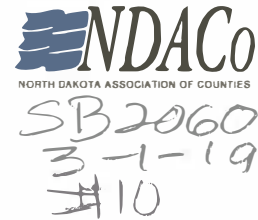
Mr. Chairman and members of the House Transportation Committee my name is Mike Gerhart, Executive Vice President of the North Dakota Motor Carriers Association. I am here this morning to testify in support of Senate Bill 2060.

The Centers for Disease Control and Prevention cite motor vehicle crashes as the leading cause of injury-related deaths in North Dakota. On average, every three days a person dies in a motor vehicle crash on North Dakota roadways.

According to the Federal Motor Carrier Safety Administration, seat belt usage rates for motor carriers is higher in states where primary seatbelt laws exist. Seat belt use is one of the most effective ways to protect commercial motor vehicle drivers from injury or death. The use of seatbelts also protects other motorists who are involved in crashes with commercial motor vehicles.

I would ask for a DO PASS recommendation on Senate Bill 2060. This legislation will increase the safety on North Dakota roadways and most importantly save lives. I would be happy to answer any questions.

Testimony to the  
**House Transportation Committee**  
Prepared January 2, 2019  
by Ryan Gellner, North Dakota Association of Counties



## Regarding: SB 2060

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

The North Dakota Association of Counties and the North Dakota County Commissioners Association support SB 2060.

In North Dakota there are over ten-thousand miles of county roads that counties are ultimately responsible for. Doing whatever we can to protect those driving on county roads, or any road for that matter, is an important part of that responsibility.

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.

SB 2060 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 Workforce safety \$28 Million over the last 5 years (NDDOT).

Driving on public roads is a privilege, and not a right... therefore it can and should be regulated. Requiring seatbelt use is no more an infringement on your rights than being required to turn on your headlights or use your turn signals or stop at stop signs. Upgrading North Dakota's 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 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 seat belt, was ejected from, and pinned under the vehicle.



## Testimony

### Senate Bill 2060

### House Transportation Committee

Friday – March 1, 2019

### Safe Kids Grand Forks / Carma Hanson

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Mr. Chairman, members of the House Transportation Committee, my name is Kristen Jones and I am a Masters in Public Health Student at NDSU. I am here to present testimony on behalf of Carma Hanson who is unable to be here today for this hearing. I will provide the testimony as she has it written.

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 150 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 what has been known as the North Dakota Strategic Highway Safety Plan – now 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. 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. For many years, members of this group have known 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 and Insurance I. In fact, enacting a primary seat belt bill has been a part of our State Highway Safety 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. Let's dig further into those opportunities:

#### USAGE DATA:

- On average, nearly 20 percent of North Dakotans – over 150,000 people – are still not buckling up.
- An estimated 48 lives were saved by seat belts in North Dakota in 2015, and 22 additional lives could have been saved with 100 percent seat belt use.

#### COSTS:

According to data from the National Highway Traffic Safety Administration (NHTSA):

- In 2010, the economic cost due to motor vehicle crashes in the U.S. was \$242 billion (in 2010 dollars).
- North Dakota pays \$706 million of these costs. That is \$1,049 for every resident of North Dakota, each year. About three quarters of the costs are paid by citizens not involved in the crashes.

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- Crashes cost employers in the State \$118 million annually – \$300 per employee (based on 2013 dollars).

As you can see from the graph on the following page, states with a primary seat belt bill have a higher usage of seat belts when compared to those with a secondary enforcement or no belt laws. I am not proud that North Dakota falls 6<sup>th</sup> from last in this data and in a more recent year, it has been reported that we are the second lowest in the country in seat belt usage rates; we can do better. 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.

Let's take a look at our neighboring state of Minnesota and the results they had after passing a primary seat belt law in their state in 2009. Following that law change, a study was conducted to analyze the effect it had had in their state. Here are their findings from that study done in 2011, two years after passage of the primary law.

Using data from the Minnesota Crash Records Database provided by the Department of Public Safety, the study utilized two methods of analysis, first comparing actual crash data and in comparing the expected post law change injury types. That study estimated that there had been 68 - 92 fewer fatalities from motor vehicle crashes, and 320 - 550 fewer serious injuries since the primary seat belt law went into effect. This improved safety record translated into at least \$45 million in avoided hospital charges, including a direct savings of nearly \$10 million or more tax dollars that would have been paid for expenses charged to government insurers. The primary seat belt law has benefitted from the support of over 70% of all Minnesotans and observed use of seat belts statewide has risen from 86.7% in 2008 to an all-time high of 92.7% in 2011.

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

#### **PRIMARY SEAT BELT LAWS:**

- ND's current seat belt use is at 82.5 percent despite on-going educational campaigns and efforts to increase usage. States that have passed a primary belt law have seen an increase in their seat belt usage rates of 10-12%. Even with NO enforcement of the law, the National Highway Traffic Safety Administration estimates that if North Dakota were to pass a primary belt law, seat belt usage could increase by approximately 7 percentage points.
- 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.)

At the time our state's current seat belt law was written, most vehicles only had lap belts in all seating positions. Therefore, an officer could not see if the driver or occupants were buckled until they were standing alongside the vehicle, thus it was made a secondary offense as there was no way to stop someone for "no seatbelt usage" when they could not be seen. Now however, vehicles have lap and shoulder belts in most all their seating positions making it easy to tell if someone has their belt on or not. Officers have the discretion of whether they want to enforce the law or not, just as they do with other offenses.

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

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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 one year ago. He and the DOT know that this law can and will make a difference to the citizens of our state. As noted by Karin Mongeon, 62 percent of North Dakotas favor a primary belt law and we are asking for your support of SB 2060 to provide that provision in our state law. This is a law that will cost ZERO dollars to implement and yet will save lives, save injuries and save at least \$18 million from our state's budget. At a time where we are aiming for financial cost savings and budget reductions, this is one area where we can impact our bottom line at no cost to our state. I would strongly ask for your support of SB 2060.

I thank you for allowing me to testify today in support of SB 2060 and I would entertain any questions you may have.

Carma Hanson

[chanson@altru.org](mailto:chanson@altru.org)

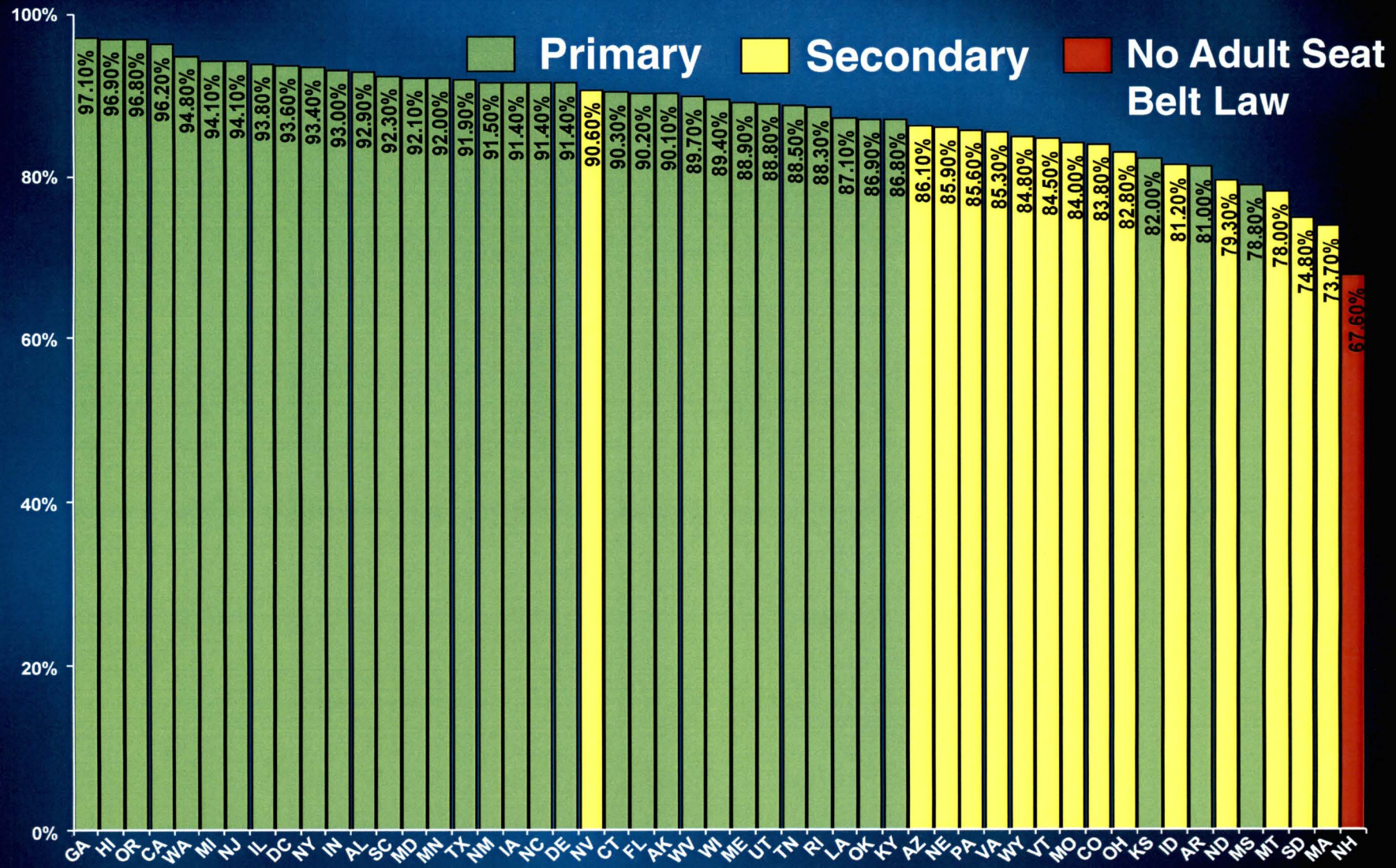
701-739-1591 (I am currently on a medical mission trip and will not have cell phone service until my return to the US on 3-3 but would be happy to answer any questions after that date.)



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3-1-19 D.4

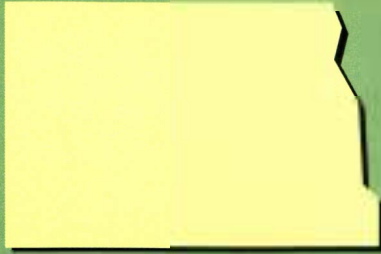
# 2017 Seat Belt Use Rates

## By Law Type and State



State surveys conducted in accordance with Section 402 FAST Act

Primary Laws were recently passed in RI (2011); WV (2013);  
UT (effective 5/12/2015 to 7/01/2018).



# North Dakota Safety Facts

August 2017

North Dakota's seat belt use rate generally remains lower than the national average. At 82.8% use, over 130,000 North Dakotans still are not buckling up.

	2010	2011	2012	2013	2014	2015	2016
United States	85.1%	83.8%	86.1%	87.2%	86.7%	88.5%	90.1%
North Dakota	74.8%	76.7%	80.9%	77.7%	81%	80.4%	82.8%

NHTSA estimates that if North Dakota were to pass a primary seat belt law, belt usage could rise by approximately 7 percentage points.

**In 2010, crashes cost North Dakota  
\$706 million –  
About \$1,049 for each resident**

\*(The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised))

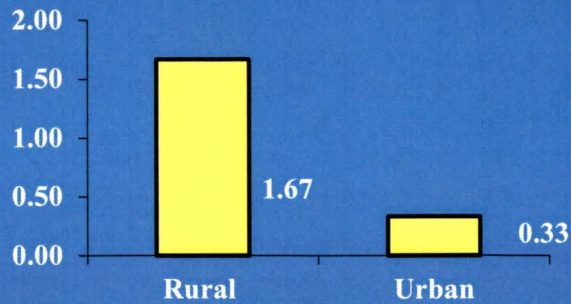
With a primary seat belt law, each year North Dakota could save about:

- 7 lives
- 61 serious injuries
- \$18 million in costs

(Based on a 6.9 percentage point increase from the 2016 ND seat belt use rate.)



### Motor Vehicle Fatality Rate per 100M Vehicle Miles

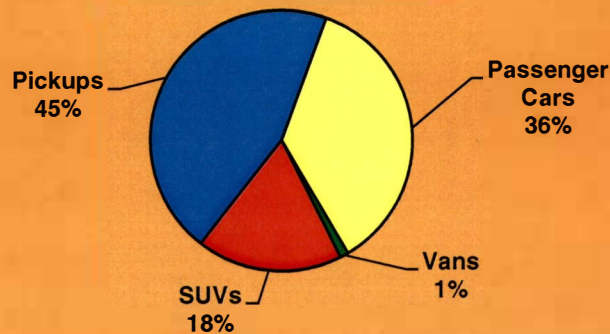


93% of North Dakota's motor vehicle traffic fatalities are in rural areas.

The fatality rate in rural areas is over 5 times higher than the rate in urban locations.

Source: 2015 FARS Data

### Passenger Vehicle Occupant Fatalities: Proportion of Vehicle Types



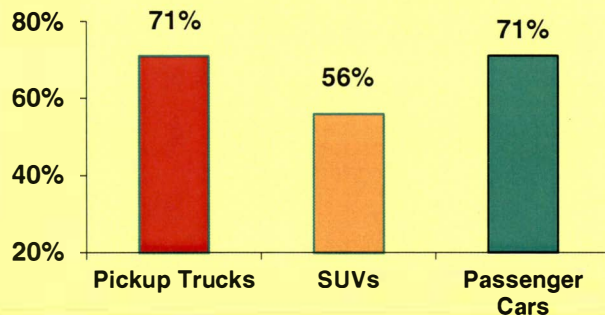
Source: 2015 FARS Data

In 2015, seat belt use saved an estimated 48 lives in North Dakota.

An additional 22 lives could have been saved with 100% restraint use.

Source: STSI

### Unrestrained Passenger Vehicle Occupant Fatalities



Source: 2015 FARS Data

In North Dakota, a larger percentage of pickup truck and passenger car fatalities are unrestrained compared to SUV fatalities.

**80% of nighttime fatalities are unrestrained in North Dakota compared to 49% of daytime fatalities.**

Source: 2015 FARS Data

### Nighttime Unrestrained Passenger Vehicle Occupant Fatalities





Good morning Chairman Ruby and members of the Committee. My name is Chris Price and I am the Director of the Division of Emergency Medical Systems for the North Dakota Department of Health and also a paramedic. I am here to provide testimony on behalf of the North Dakota Department of Health in support of Senate Bill 2060.

I would like to ask you to take a moment and think about a motor vehicle crash, it might have been one you had first-hand knowledge of or one that you have heard about. Did something happen to you or someone you know that really didn't have to happen? How did that make you feel? Probably not very well. That's the same feeling that every Emergency Medical Technician (EMT) or paramedic has each time he or she attends a motor vehicle crash in which an occupant has succumbed to injuries while not wearing a seat belt. I can say after 33 years as a paramedic, that the feeling doesn't get any better. In fact, it has only become worse.

Seatbelts save lives - the facts are indisputable. I am confident that any EMT or paramedic standing before you would be able to share a story about a time when he or she cared for a belted crash victim in the presence of a lifeless, unbelted victim. In my case, I think about a crash that I responded to involving belted, front seat occupants, an unbelted rear passenger who was ejected, and a fuel leak and subsequent flash fire. The unbelted passenger who was ejected from the vehicle did not survive, while the belted, front seat occupants survived and were unharmed by the fire.

You may have heard, or may hear in additional testimony, about the financial and societal costs of unbelted crash victims. In addition, there is undoubtedly an emotional cost – not only to the victims' loved ones, but also to the EMS responders, the clear majority being community-spirited volunteers. Yes, any severe injury or loss of life weighs heavily on the minds of your friends and neighbors who respond with the local ambulance service, but I can assure you that the easily preventable injuries and deaths, like those that are the result of not wearing a seat belt, are the hardest to come to terms with.

Seat belts are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. (National Safety Council)

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Seat belts protect you by:

- Keeping you in control of your vehicle if you are forced to swerve or brake suddenly by keeping you in the driver's seat.
- Keeping you in the vehicle. (You are 25 times more likely to be killed if you're thrown from a vehicle during a crash.)
- Spreading the force of impact over a large area and the strongest part of the body.
- 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.
- Preventing trauma to the brain and spinal cord caused by sudden change in motion.
- Increasing your chance of remaining conscious after a crash, which will help you get out of the vehicle and help others.

Wearing a seatbelt can prevent you from colliding with other occupants in the vehicle. An unrestrained occupant becomes a projectile and risks serious injury or death to others in the vehicle.

- Exposure to unbelted occupants increases the risk of injury or death to other occupants in the vehicle by 40 percent.
- In a frontal crash, an unbelted rear seat passenger sitting behind a belted driver increases the risk of fatality for the driver by 137 percent compared with a belted rear seat passenger. (Insurance Institute for Highway Safety)

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 unbelted motor vehicle deaths, 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.

I urge you to pass SB 2060 to save the lives of North Dakotans. I am happy to answer any questions you may have.

Testimony in Support of Senate Bill 2060  
March 1, 2019  
House Transportation Committee  
Bill Wocken on behalf of the North Dakota League of Cities

SB2060  
3-1-19  
#13

Good Morning Mr. Chairman and members of the House Transportation Committee. For the record, my name is Bill Wocken, appearing on behalf of the North Dakota League of Cities in support of Senate Bill 2060.

As you have heard previously Senate Bill 2060 does three basic things. It makes failure to use a seat belt per this bill a violation meriting a \$50.00 fee, it defines a seat belt violation as failure by any person in a motor vehicle to wear a proper seat belt and it repeals the present law and makes a seatbelt violation a primary offense.

The North Dakota League of Cities supports the state's Vision Zero program to reduce and eliminate roadway fatalities. Research has shown that use of seat belts by all vehicle occupants is the single most effective protective measure available in a vehicular crash. It will reduce fatal and serious injuries by nearly half. Our emergency service personnel have seen first-hand many tragedies that could be prevented with effective use of seat belts. Doubtless there have been fatalities and serious injuries in your own communities this bill may help to avert.

Concern has been expressed that seatbelts may be considered a hindrance in a vehicle fire or a submerged or overturned vehicle. I am not sure I agree but even if this theory is true would it be prudent public policy to ignore a 98% solution because of a 2% outlier? It was pointed out that the law allows exemptions for mail carriers, farm vehicles, severely handicapped and cars made without belts. These very narrow exceptions do not merit disuse of seatbelts by the vast majority of automobile occupants.

Mr. Chairman and committee members, this bill is about balancing personal preferences against behavior which is deadly and costly to society. The North Dakota League of Cities requests your favorable consideration of this bill.



# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

SB2060  
3-1-19  
#14

KELLY LEBEN  
SHERIFF

## Testimony in Support of Senate Bill 2060

I am testifying in support of SB 2060, 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 28 year veteran of law enforcement and a 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 instruct to the public, I present on the current traffic fatality statistics gathered in our state. In each class, I make 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. That statistic is 60 % for unbelted occupants. I also point out in each class that "If it is predictable, it is preventable."

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, 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

### COURTHOUSE

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SB 2060  
3-1-19  
#15

**Testimony in Support of SB 2060**  
**House Transportation Committee – March 1, 2019**  
**Gene LaDoucer, AAA-The Auto Club Group**

Good morning, Chairman Ruby and members of the committee. Thank you for the opportunity to express support for Senate Bill 2060. My name is Gene LaDoucer, and I represent AAA-The Auto Club Group, the second largest AAA club in North America with more than 9.6 million members. I am also team lead for the North Dakota Vision Zero Young Driver Emphasis Team. It is primarily in that role that I am addressing you today.

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 -- and routinely seeing adults not wearing their seat belts -- teens are undeterred and have become the age group least likely to buckle up. That issue can be solved with sound evidence-based policy. 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 wearing a seat belt -- all of which contribute to an increased death rate.

According to the 2017 North Dakota Crash Summary, teen drivers age 14-19 account for only 5 percent of all licensed drivers in North Dakota, but are behind the wheel in nearly 20 percent of all crashes. Furthermore, in the five-year period from 2012 to 2016, teens were involved in 17 percent of severe-injury crashes involving an unbelted or improperly belted occupant.

The Vision Zero goal is within reach for our youngest drivers. The passage of Senate Bill 2060 would set the stage for eliminating motor vehicle crash fatalities among teens -- and ultimately all motor vehicle passengers.

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.

SB 2060  
3-1-19  
#16

## PROPOSED AMENDMENTS TO SENATE BILL NO. 2060

Page 2, line 10, after "a" insert:

"1."

Page 2, line 13, after the period insert:

"2."

Page 2, line 13, overstrike "to" and insert immediately thereafter ":

"a. To"

Page 2, line 14, overstrike "to drivers" and insert immediately thereafter:

"b. To a driver"

Page 2, line 15, overstrike "to operators" and insert immediately thereafter:

"c. To an operator"

Page 2, line 15, overstrike "to" and insert immediately thereafter:

"d. To"

Page 2, line 16, overstrike "to" and insert immediately thereafter:

"e. To"

Page 2, line 19, overstrike "or when" and insert immediately thereafter:

"f. When"Page 2, line 20, after "occupants" insert: ": or

g. To an operator or a passenger of a motor vehicle that stops frequently to allow the driver or passenger to leave the vehicle temporarily or to deliver property from the vehicle. This exception applies only when the vehicle is traveling at a speed not exceeding thirty miles [48.28 kilometers] per hour between stops"

Page 2, after line 20, after the period insert:

"3."

Page 2, after line 22, after the period insert:

"4."

Renummer accordingly