

TESTIMONY OF

Colonel Brandon Solberg, Superintendent

Good afternoon Chairman Ruby and members of the House Transportation Committee. My name is Brandon Solberg, and I serve as the superintendent of the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2362.

As a law enforcement agency, it might seem obvious that the highway patrol would support primary enforcement for seatbelt violations, but I want to be clear about why our agency supports this bill. The purpose of primary enforcement is not so that law enforcement officers can issue more citations but rather so that seatbelt compliance rates will increase. The hope is that our state's law will send a clear message to drivers and vehicle occupants that seatbelt use is an expectation in North Dakota, and this change could ultimately reduce the number of seatbelt violations.

One could argue that younger generations have been raised to wear their seatbelts so primary enforcement will become a non-issue at some point, but that's not always the case. In fact, a 23-year-old female passenger was just killed in a crash last Sunday after being ejected from a vehicle that rolled.

The reason our agency is so supportive is because we investigate these severe crashes. The highway patrol investigates approximately 80% of all serious injury and fatality crashes. Our troopers know firsthand that the difference between a crash involving serious or fatal injuries versus a crash involving minor or no injuries often comes down to the proper use of seatbelts.

Every few days I get an e-mail notifying me of another fatality crash in North Dakota. They're happening every 3-5 days on average, and one common theme is a lack of seatbelt use (60% in 2020, 46% in 2021, and 68% in 2022). Although seatbelts can't prevent all injuries due to the severity of some crashes, they would certainly help with many crashes including common single vehicle rollovers where an occupant is ejected and killed.

Vehicle safety technology has certainly helped save lives. New vehicles have airbags coming from all directions, but they're designed to work with an occupant who is properly buckled and remains in their seat.

Someone once told me that it doesn't work to regulate behavior, but the fact is that we're a society based on law and order. We must all follow rules and regulations at the local, state, and federal level. One of those laws in North Dakota requires the use of seatbelts so this bill doesn't create a new law but rather changes the type of enforcement allowed. The questions are (1) if law enforcement officers should be able to stop someone for a seatbelt violation in and of itself and (2) if it's important for every occupant to buckle up.

In North Dakota Century Code Title 39, there are only two laws that are essentially secondary enforcement. The first was created during the 2017 legislative session related to committing a traffic violation while distracted, and the second is seatbelt use. Even as secondary enforcement, the highway patrol takes the enforcement of seatbelt use seriously. In 2022 the highway patrol issued 4,639 citations for this violation.

I know that personal choice is a common topic, and I want to clarify that this bill doesn't take away personal choice. Someone can choose to speed or run a red light even though it's against the law, but there are consequences if you get stopped or cause a crash. We could jump in a patrol vehicle right now, and if we decided to stop every violation we observed, it might take a while to get out of town. In the case of seatbelts, the consequence is \$20, and this bill doesn't change that low dollar amount. Any revenue generated by traffic fines set in state statute goes to the common schools trust fund (ND Constitution Article IX, Section 2).

I was asked who is responsible for an unbuckled occupant, and I refer to NDCC 39-21-41.4 which clearly states the driver is responsible. The driver can be viewed as the captain of the ship who is responsible for all occupants. If a front seat passenger is not properly buckled, the driver would be cited.

The final message I'd like to share is related to the impact of a traffic fatality. I've heard some say that choosing not to wear a seatbelt and getting killed only impacts that one individual, but that's a pretty narrow view of the true impact. I've personally experienced the secondary trauma of handling the death of a complete stranger who was killed in a vehicle crash, and I've witnessed the impact to other law enforcement officers, firefighters, and EMS personnel. Traffic fatalities are sudden and unexpected events so the impact to family, friends, and others such as first responders can be substantial.

As first responders our mission is to preserve human life so we strongly encourage the use of seatbelts, and we're asking you as our state's lawmakers to send a clear message of support to help bolster the use of seatbelts in North Dakota. The highway patrol would continue to assist through our education and enforcement efforts.

This concludes my testimony, and I will stand for any questions.