

Log FH-596



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

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Date: JUL - 1 1997

In reply refer to: H-97-1 through -6

To the Governors and Legislative Leaders of the 50 States and U.S. Territories, and the Mayor and Chairman of the Council of the District of Columbia (see attached mailing list)

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In severe frontal crashes, air bags clearly increase the chances of survival, particularly for unbelted adult drivers. The protection afforded by air bags, however, does not extend equally to all passenger vehicle occupants. Between 1993 and 1996, 38 children died because they were struck by an air bag in what would have otherwise been a survivable crash, and 23 adults were also killed by their air bags in crashes they should have survived. The increasing public concern about air bags and urgent questions regarding the effectiveness and the potential danger of these life-saving devices prompted the National Transportation Safety Board to convene a 4-day public forum in March 1997 to discuss concerns related to the role of air bags, to identify who is vulnerable to injuries, to examine the experience with air bags in other countries, and to address ways to increase seatbelt and child restraint use.<sup>1</sup> The National Highway Traffic Safety Administration (NHTSA) participated in the forum, along with representatives from Australia, Canada and Europe; the automobile industry; air bag suppliers; insurance, safety, and consumer groups; and family members involved in crashes where air bags deployed.

Several points became evident during the forum. The "one-size-fits-all" approach to air bag design is obsolete: air bags need to be designed to protect all people in a variety of crash situations. With regard to passenger vehicles on the road today, children need to be in the back seat, and everyone needs to be buckled up and seated as far back as possible from the air bag. NHTSA needs to move quickly on a decision regarding air bag deactivation. NHTSA's databases of crash information preclude a proper evaluation of the effectiveness of air bags because the information is not comprehensive in one database and the sample size is insufficient in the other. Finally and perhaps most importantly, societal attitudes must change with regard to seatbelt use. The United States remains far behind other countries in seatbelt use, and the Nation pays a high price for it in terms of lives lost. Elected officials need to take responsibility for tough enforcement programs and to consider financial incentives (or penalties) if the Nation is to increase seatbelt use.

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<sup>1</sup> National Transportation Safety Board. 1997. Proceedings of the National Transportation Safety Board public forum on air bags and child passenger safety; March 17-20, 1997; Washington, D.C. Report of Proceedings NTSB/RP-97/01; PB97-917001.

The Safety Board's concerns about motor vehicle occupant protection have led it to examine and recommend action on a wide range of safety issues throughout its 30-year history. Important changes have already occurred, including improved designs of seatbelts and child restraint systems, the required installation of lap/shoulder belts at all outboard seating positions, the mandated use of child restraint systems in all 50 States and seatbelts in 49 States, an increase in public education about the importance of restraint use, and increased child restraint and seatbelt use rates. Additional improvements, however, are still needed.

### **Child Restraint Legislation**

In a 1996 study on the performance and use of child restraint systems, seatbelts, and air bags for children in passenger vehicles, the Board concluded that passenger-side air bags, as they are currently designed, are not acceptable as a protective device for children.<sup>2</sup> The Board issued several recommendations to improve the design of air bags. In November 1995, prior to completion of the safety study, the Board issued urgent recommendations to NHTSA, the automobile industry, and health and safety groups calling for a nationwide media and mail campaign to alert the public to the dangers of placing a rear-facing child restraint system or an unrestrained child in the front seat of a vehicle equipped with a passenger-side air bag. The Board also urged that highly visible warning labels be installed in passenger vehicles.

The Board also found that more than two-thirds of the children in the study sample were not in the appropriate restraint for their age, height, and weight; that even when restrained, over half of the children in child restraints and one-quarter of those in seatbelts were improperly restrained. Using a size-appropriate restraint system and using it properly reduces the likelihood and severity of injury from an accident. The Board's study further showed that about one-quarter of the children seated in the back seats sustained no injury compared to 15 percent of those seated in the front seats. The Safety Board concluded that children (especially those properly restrained) in the back seats of passenger vehicles are less likely to sustain injury than those seated in the front seats. The Board recommended that the States emphasize the importance of transporting children in the back seat of passenger vehicles through education materials disseminated by the State. At the same time, the Board made several recommendations to NHTSA and the automobile manufacturers to make the back seats of passenger vehicles more child-friendly through improvements in the design and installation of child restraint systems and seatbelt fit for children. The Board also recommended that the States strengthen their child restraint laws to ensure that all children in all seating positions are required to be restrained in a size-appropriate restraint system.

Other evaluations also indicate that the back seat is safer for children than the front seat. A 1996 NHTSA analysis of data from the Fatality Analysis Reporting System (FARS) concluded that children (0-4 years old) are 26 percent less likely to be fatally injured if seated in the rear of a

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<sup>2</sup> National Transportation Safety Board. 1996. The performance and use of child restraint systems, seatbelts, and air bags for children in passenger vehicles. Safety Study NTSB/SS-96/01. Washington, D.C.

passenger vehicle.<sup>3</sup> In addition, a 1987 Transport Canada evaluation of children ages 0-14 years concluded that young children (0-4 years) were 60 percent safer when seated in the rear and children 5-14 years were about 45 percent safer in the back seat.<sup>4</sup> According to a General Motors researcher, all occupants are safer in the back seat: an analysis of FARS data from 1975 through 1985 showed that for occupants in outboard seating positions, the fatality risk is 26 percent lower for rear seats than for front seats and the risk for occupants of the center rear passenger seat is reduced by 37 percent.<sup>5</sup>

Since the Board's September 1996 recommendations were issued, concerns have increased about children seated in the front seat of a vehicle equipped with a passenger-side air bag. According to a NHTSA evaluation, the negative effects of a passenger-side air bag outweigh the benefits for passenger vehicle occupants below age 13.<sup>6</sup> NHTSA's report states the following:

...the fatality increase with passenger air bags persists from birth up through age 10. Positive results for air bags appear to begin in the 11-13 age range and become quite strong at ages 14 and 15.

Although no child over age 9 has been killed by an air bag, NHTSA, the Air Bag Safety Campaign, and others have advised the public to put children under age 12 in the back seat. The Safety Board agrees, given the results of its own investigations and the NHTSA evaluation.

All 50 States require children under a specified age to be in a child restraint system, and 49 States require vehicle occupants to use seatbelts, yet the ages of the occupants covered under these laws vary considerably among States. Only 12 States and 2 U.S. Territories require all occupants in all seating positions to be restrained under the State's seatbelt use law. None of the States or Territories require children to be in the back seat of the passenger vehicle when a rear seating position is available. The Safety Board believes that the number of children killed and injured each year in motor vehicle crashes could be reduced if children were required to ride in the back seat. There was repeated support for such a requirement at the Board's public forum from participants from all countries and various organizations. The representatives from other countries discussed the ease with which this is done abroad.

In the Australian Capital Territory, children under 8 years are required to be transported in the back seat. New South Wales introduced a regulation in October 1996 that would make it illegal to use child restraints in the front passenger seats of vehicles equipped with air bags. Six European countries (Belgium, France, Ireland, Luxembourg, Portugal, and Spain) require children

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<sup>3</sup> National Highway Traffic Safety Administration. 1996. Revised estimates of child restraint effectiveness.

<sup>4</sup> Dalmotas, D.; Krzyzewski, J. 1987. Restraint system effectiveness as a function of seating position Ottawa. Ontario: Transport Canada.

<sup>5</sup> Leonard Evans. 1991. Traffic safety and the driver. New York, New York: Van Nostrand Reinhold.

<sup>6</sup> National Highway Traffic Safety Administration. 1996. Fatality reduction by air bags. NHTSA Tech. Rep. DOT HS 808 470. Washington, D.C.

(typically age 12 and younger) to sit in the back seat.<sup>7</sup> In eight other countries (Austria, Denmark, Finland, Germany, Greece, Italy, the Netherlands, Sweden) and the United Kingdom, children (typically age 12 and younger or 5 feet tall) may sit in the front seat only if they are buckled up in a child restraint or seatbelt.<sup>8</sup>

An analysis of NHTSA's FARS database by Ford Motor Company of children's seating positions in passenger vehicles found that overall about 39 percent of child passengers occupied the front seat.<sup>9</sup> This number is ten times greater than the number of children who must ride in the front seat because rear seating positions are not available. Further, the analysis found that a child is more likely to ride in the front seat when the child is the only passenger traveling with the driver. The proportion of children riding in the front seat when they are the only passenger increases substantially for subteens<sup>10</sup> (ages 5 to 12 years), who are still considered at risk of injury from an air bag.

The Safety Board recognizes that a driver may have to transport more children than there are rear seating positions and that some children may resist being in the back seat if there is an available seating position in the front seat. Nevertheless, many of the problems related to child passenger safety, such as the dangers that air bags pose to children, can be avoided by ensuring that children are in the back seats of passenger vehicles. Thus the Safety Board believes that the legislatures of the 50 States, the U.S. Territories, and the District of Columbia should enact legislation to require transporting children age 12 years and younger in the rear seat of a passenger vehicle if a rear seating position is available; the child should be restrained in accordance with the State's child restraint law.

### Seatbelt Use Legislation

According to NHTSA, lap/shoulder belts, when used properly, reduce the risk of fatal injury to front seat passenger vehicle occupants by 45 percent. Increasing the seatbelt use rate is the most effective way of cutting the highway death toll. According to NHTSA, increasing the nationwide seatbelt use rate from the present 68 percent to 85 percent would prevent an estimated 4,194 fatalities and 103,518 injuries annually. This reduction in injuries and deaths would result in

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<sup>7</sup> National Highway Traffic Safety Administration. 1997. Presidential initiative for increasing seat belt use nationwide. Recommendations from the Secretary of Transportation. April.

<sup>8</sup> The regulations became effective before air bags were available. Passenger-side air bags still are not common in European vehicles.

<sup>9</sup> Edwards, Jack; Sullivan, Kaye. 1997. Where are all the children seated and when are they restrained. Pap. 971550. Warrendale, PA: Society of Automotive Engineers. [Presented at the 1997 SAE Government/Industry meeting; May 1997; Washington, D.C.] The analysis used data from the NHTSA National Automotive Sampling System, not data from observational surveys.

<sup>10</sup> According to the analysis 54 percent of infants rode in the front seat when other passengers were present compared to 62 percent who rode in front when the infant was the only passenger; 34 percent of toddlers rode in the front seat with other passengers present versus 60 percent when the only passenger; and 41 percent of subteens rode in the front with other passengers present versus 93 percent when the only passenger.

an economic savings of about \$6.7 billion annually. A 90-percent use rate would prevent 5,536 fatalities and 132,670 injuries and save \$8.8 billion annually. Seatbelts are the most effective means of reducing fatalities and serious injuries when traffic crashes occur; they are estimated to save 9,500 lives in the United States each year.

The Safety Board has previously recommended that the States enact strong legislation regarding child restraint and seatbelt use. In 1991, the Board recommended that the 12 States without mandatory restraint use laws (MULs) enact legislation that would require occupants of all passenger cars, vans, and light trucks to use lap/shoulder belt systems in seating positions equipped with such belt systems. In 1995, the Board recommended that the States enact legislation that provides for primary enforcement of mandatory seatbelt use laws. Because of the importance of this issue, the Board placed this recommendation on its "Most Wanted" list of safety improvements.<sup>11</sup> Today 49 States, the U.S. Territories, and the District of Columbia have MULs.<sup>12</sup>

Of the 49 States with mandatory use laws, only 11 States, the U.S. Territories, and the District of Columbia have provisions for primary enforcement, which means that a vehicle can be stopped solely for a seatbelt violation.<sup>13</sup> In the other 38 States, the law is a secondary enforcement measure, which means that an officer can cite a motorist for a belt-use violation only if the officer has already stopped the vehicle for another infraction. As a result of the Safety Board's 1996 study on child passenger protection, the Board reiterated the following recommendation to the States without primary enforcement. The recommendation was originally issued in 1995:

Enact legislation that provides for primary enforcement of mandatory safety belt laws. Consider provisions such as adequate fine levels and the imposition of driver license penalty points. (H-95-13)

In 1996, 82 percent of the States with primary law enforcement had seatbelt use rates of 68 percent or higher, but only 27 percent of the States with secondary law enforcement had seatbelt use rates as high. Seatbelt use rates average about 15 percent higher in States with primary enforcement laws than in States with secondary enforcement laws.

The Safety Board recognizes and commends the States' efforts and the efforts of the highway safety community to encourage the States to address this important issue. However, because of the continued loss of lives on the Nation's highways, and the consequential cost in health care, taxes, and public assistance, States must find additional ways to encourage seatbelt use. Experience has shown that strong legislative initiatives, dedicated and highly visible enforcement, and public information campaigns are the most effective methods to increase

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<sup>11</sup> The purpose of the "Most Wanted" list, which is drawn up from safety recommendations previously issued, is to bring special emphasis to the safety issues the Board deems most critical.

<sup>12</sup> New Hampshire does not mandate seatbelt use beyond age 12.

<sup>13</sup> Maryland and Oklahoma recently passed primary seatbelt enforcement laws that become effective on October 1 and November 1, 1997, respectively.

seatbelt use. States and countries where the usage rate has remained high provide valuable insight on which methods work.

Use rates in Australia, Canada, and Germany exceed 90 percent, whereas use rates in many western European countries exceed 80 percent. Seatbelt use laws in these countries typically allow primary enforcement and also cover occupants of light trucks and vans in addition to passenger cars. Fines in these countries are generally higher than in the United States, and some jurisdictions assess demerit points against driver licenses for violating seatbelt use laws.

The fines in the United States typically range from \$10 to \$25; two States and the District of Columbia assess a fine of \$50 or more. Only the District of Columbia assesses penalty points for seatbelt violations.<sup>14</sup> In Australia, violators typically are fined \$150 to \$200 and receive three demerit points.<sup>15</sup> In addition, the courts can impose fines up to \$2,000 and/or 6 months imprisonment. In Canada, violators also receive demerit points and high fines. Europeans are encouraged to wear seatbelts because full insurance coverage will not be available if they are involved in an accident in which they are not belted.

Societal attitudes in the United States must change with regard to seatbelt use. In other countries, drivers are held legally responsible for their actions. In 29 States and the District of Columbia, however, evidence of the failure to wear a seatbelt is inadmissible in a court of law.<sup>16</sup> In seven other States, the law only allows mitigation of a very small percentage—typically 5 percent—of the damages that may be recovered by a plaintiff who failed to wear seatbelts.<sup>17</sup> An occupant who fails to wear a seatbelt is not exercising reasonable care for his/her own safety. Any person who fails to wear the available lap/shoulder belt should be legally responsible for any enhancement of injuries caused by such failure. It is inconsistent public policy for State governments to be insulating people from the financial consequences of not wearing seatbelts at the same time that the Federal government is aggressively trying to increase seatbelt use rates. Further, government at all levels incur significant costs resulting from injuries to unbelted vehicle occupants.<sup>18</sup> Thus, the Safety Board believes that the States, U.S. Territories, and the District of Columbia should enact legislation that provides for primary enforcement of mandatory seatbelt

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<sup>14</sup> Effective October 1 and November 1, 1997, the District of Columbia will assess two penalty points and a \$50 fine for a seatbelt violation.

<sup>15</sup> The driver license is revoked in Australia when 12 demerit points accumulate.

<sup>16</sup> The 29 States are Alabama, Connecticut, Delaware, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, and Wyoming.

<sup>17</sup> The seven States and the percentage limitation on mitigation follow: Iowa 5 percent; Michigan 5 percent; Missouri 1 percent; Nebraska 5 percent; Oregon 5 percent; West Virginia 5 percent; and Wisconsin 15 percent.

<sup>18</sup> The Federal share of the medical costs of crashes is about 60 percent of total public costs. If all States passed standard enforcement laws and seatbelt use increased to 85 percent, Federal taxpayers would save almost \$1 billion a year in medical costs. That saving is in addition to the amount States would save. (National Highway Traffic Safety Administration. 1996. Economic cost to motor vehicle crashes, 1994. NHTSA Tech. Rep. DOT HS 808 425. Washington, D.C.)

use laws, including provisions such as the imposition of driver license penalty points and appropriate fines. Existing legal provisions that insulate people from the financial consequences of not wearing a seatbelt should be repealed. In view of the foregoing, the Board also reclassifies Safety Recommendation H-95-13 "Closed—Acceptable Action/Superseded" by this new recommendation.

North Carolina has demonstrated that a primary enforcement seatbelt law in combination with a dedicated and visible seatbelt traffic enforcement program increases restraint use and saves lives; the State reported a reduction of 100 fatalities in the first year following its "Click It or Ticket" occupant restraint enforcement campaign. The Safety Board is aware of several other seatbelt enforcement programs in addition to the one in North Carolina.

Seatbelt enforcement programs, however, may not be a priority for many law enforcement organizations that are responsible for traffic safety. An active seatbelt enforcement program combined with a primary seatbelt law has more potential for reducing highway deaths and injuries than most other traffic enforcement programs.

One of the key factors in the success of the North Carolina program is the strong support from Governor Jim Hunt and other elected officials. The Safety Board believes that the Governor of the States and Territories and the Mayor of the District of Columbia should encourage and support efforts by enforcement organizations to conduct dedicated and highly visible occupant restraint enforcement programs that focus on increasing the use of seatbelts and child restraints. The Board has asked the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, and the National Association of Towns and Townships to take the same action.

### Seatbelt Use Surveys

As indicated earlier in this letter, the nationwide safety belt use rate in the United States was 68 percent in 1996. NHTSA derived the nationwide rate from State surveys.<sup>19</sup> The belt use rate from each State's most recent survey was weighted by that State's proportion of the U.S. population, then all States were combined. The 1996 nationwide use rate was based on 40 State surveys conducted in 1996 and 10 conducted earlier. In addition to being used to calculate the nationwide belt use rate, the State surveys provide a means for monitoring increases (or decreases) in belt use in the individual States.

At the Safety Board's public forum, Dr. Ricardo Martinez, Administrator of NHTSA, and Mr. Brian O'Neill, President of the Insurance Institute for Highway Safety, indicated that both the content and the quality of the State surveys varies. NHTSA published guidelines in 1992 for developing State observational surveys of belt use but States currently are not required to follow

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<sup>19</sup> National Highway Traffic Safety Administration. 1997. Observed safety belt use in 1996. Research Note. Washington, D.C.

them.<sup>20</sup> NHTSA reports that at least 29 States conduct probability-based observational surveys whereas the remaining States collect convenience-based samples. Wyoming is the only State that uses crash reports rather than observational data to estimate belt use and therefore its rate is not included in the calculation of the nationwide rate. Further, survey results are confounded by differences in the definition of the population to be observed. Most State surveys measure belt use of drivers and front-seat passengers but four measure belt use of drivers only. All States observe belt use in passenger vehicles, 33 States include light trucks, and 24 States include vans. The variation in the State surveys reduces the reliability of the belt use rates.

Dr. Martinez pointed out that NHTSA also conducts its own surveys to estimate belt use rates but because of the expense, the surveys are not done every year. The National Occupant Protection Use Survey (NOPUS) was conducted by NHTSA in late 1994 and again in the fall of 1996. NOPUS comprises three different studies: the moving traffic study provides information on overall shoulder belt use; the controlled intersection study provides information about shoulder belt use by vehicle type, characteristics of the belt users, and child restraint use; and the shopping center study provides information on rear seatbelt use and shoulder belt misuse.

The NOPUS provides a probability-based sample of national belt usage rates that permit comparisons to be made between the 1994 and 1996 surveys.<sup>21</sup> Overall belt use increased from 58 percent in 1994 to 61.3 percent in 1996. The NOPUS estimate of a 61.3-percent belt use rate is 7 percentage points lower than the 68-percent belt use rate derived from the State surveys.

NHTSA has not released the results of the 1996 NOPUS controlled intersection study; the 1994 results show that the overall estimated restraint use rate for children less than 5 years of age is 66 percent. For infants, the estimated restraint use rate was 88 percent; child restraints were used for all the restrained infants who were observed. For toddlers, the estimated restraint use rate was 61 percent; they were observed to be restrained by either child restraint systems or seatbelts. NHTSA cautions that reliable estimates of child restraint use are difficult to obtain because only 8 percent of the population is younger than age 5 and a limited number of observation sites were used for the NOPUS study.

Comparisons between State survey use rates and the NOPUS belt use rates are difficult to make because of differences in vehicle and occupant coverage. Additionally, comparisons between the State usage rates are also difficult to make because of deviations in the individual State surveys.

Consistent and reliable data are needed on seatbelt and child restraint use to enable comparisons between States, to monitor individual States' progress, and to calculate meaningful nationwide use rates. Further, the data should be collected on a representative sample. The Safety Board has thus recommended to NHTSA that it develop, in conjunction with the States,

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<sup>20</sup> Federal Register, Vol. 57, No. 125, dated June 29, 1992, page 28899.

<sup>21</sup> In Canada, usage rate surveys are conducted at 240 sites selected to be nationally representative, and the surveys are repeated annually. In Australia, the observational data are centrally coordinated, funded on a regular basis, and statistically based.



uniform measurement procedures and tools for the States to use when conducting surveys on seatbelt and child restraint use and to revise its 1992 guidelines to ensure that a probability-based design is used to select a representative sample of the population. The Board has also asked NHTSA to provide the method to the States, U.S. Territories, and the District of Columbia. In turn, the Safety Board believes that the States, U.S. Territories, and the District of Columbia should replace the current data collection systems (State surveys, crash data) with the uniform measurement procedures, tools, and sampling design plan to be developed and provided by NHTSA for obtaining seatbelt and child restraint use rates.

### **Collecting Uniform Crash Data**

Over 60 million passenger vehicles currently on the road are equipped with air bags, and more than 1 million air bags have deployed; however, information is limited on the results of most of these deployments. Testimony at the Safety Board's public forum from Dr. Charles Kahane of NHTSA indicated that NHTSA estimates of the number of individuals saved by air bags are based on statistical analyses of the FARS database and not on data that reflect detailed investigations of the individual cases.

FARS is a census of fatal traffic crashes within the 50 States, District of Columbia, and Puerto Rico that is maintained by NHTSA. To be included in FARS, a crash must involve a motor vehicle traveling on a trafficway customarily open to the public and must result in the death of an occupant of a vehicle or nonmotorist within 30 days of the crash. FARS data are obtained from the State's existing documents, including police accident reports.

NHTSA also maintains the National Automotive Sampling System (NASS), a nationally representative database on motor vehicle traffic crashes. The NASS comprises two parts: (1) the General Estimates System (GES), which collects data on an annual sample of about 50,000 police-reported crashes; and (2) the Crashworthiness Data System (CDS), which collects additional detailed information on an annual sample of about 5,000 police-reported traffic crashes involving passenger vehicles towed from the crash scene because of damage resulting from the crash. Data for the CDS are derived from an in-depth investigation in which evidence from the crash site and the vehicle are examined and interviews are conducted with people involved in the crash. Medical records are also reviewed. The only source of data for the GES is the police accident report.

Certain information is vital to evaluating the effectiveness of air bags: injury information, the type of air bag technology in the vehicle, and whether it was deactivated by a tag sensor or a mechanic. Currently, the FARS and the GES indicate only if an available air bag deployed. The Safety Board is recommending that NHTSA revise its FARS and NASS databases to record specific information regarding the air bag equipment installed in the vehicle and its performance in the crash, such as the following: Did the air bag deploy, was it a depowered air bag, was there a cutoff switch, and was it on or off.

The Board recognizes that NHTSA relies on police accident reports for much of the data in the FARS and NASS databases, thus crash data need to be consistent within and between the States. Police accident reports, however, are not uniform and, as a result, data are inconsistent and interpretations of the data can be inaccurate. For example, a review of the 1995 State accident forms shows that only nine States have a separate data field for air bag information, several States incorporate air bag information into the restraint use or safety equipment field, and some States do not collect information on air bags. Additionally, the air bag information that is collected is usually limited, in most cases as to whether or not an air bag deployed and occasionally includes some information on belt use. Nor are the police accident reports adequate for collecting data on new air bag technologies. The Safety Board is aware that NHTSA is working with the Federal Highway Administration and the National Association of Governors' Highway Safety Representatives to develop guidelines for the collection of standardized data elements, including two data fields on air bags, which will provide for better comparisons and evaluations of traffic crashes. The Safety Board supports these efforts and believes this project provides an opportunity to collect additional uniform data to more reliably determine the effectiveness of air bags. The Safety Board is asking NHTSA to revise and update the guidelines as the air bag technology changes and to provide these guidelines to the States. In turn, the Safety Board believes the States, U.S. Territories, and the District of Columbia should incorporate the standardized data collection/data elements guidelines for traffic crashes into their police accident reports.

Therefore, the National Transportation Safety Board recommends that the Governors and the legislatures of the 50 States, the U.S. Territories, and the District of Columbia:

Enact legislation to require transporting children age 12 years and younger in a rear seat of a passenger vehicle if a rear seating position is available. The child should be restrained in accordance with the State's child restraint law. (H-97-1)

Enact legislation that provides for primary enforcement of mandatory seatbelt use laws, including provisions such as the imposition of driver license penalty points and appropriate fines. Existing legal provisions that insulate people from the financial consequences of not wearing a seatbelt should be repealed. (H-97-2)  
(Supersedes H-95-13)

Develop, in conjunction with the National Highway Traffic Safety Administration, uniform measurement procedures and tools for the States to use when conducting surveys on seatbelt and child restraint use, and revise the 1992 guidelines to ensure that a probability-based design is used to select a representative sample of the population. (H-97-3)

Replace the current data collection systems (State surveys, crash data) with the uniform measurement procedures, tools, and sampling design plans to be developed and provided by the National Highway Traffic Safety Administration for obtaining seatbelt and child restraint use rates. (H-97-4)

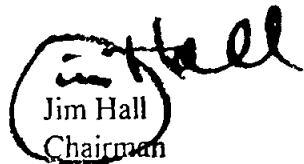
Encourage and support efforts by enforcement organizations to conduct dedicated and highly visible occupant restraint enforcement programs that focus on increasing the use of seatbelts and child restraints. (H-97-5)

Incorporate the standardized data collection/data elements guidelines for traffic crashes developed by the National Highway Traffic Safety Administration, the Federal Highway Administration, and the National Association of Governors' Highway Safety Representatives into your police accident reporting forms. (H-97-6)

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendations in this letter. Please refer to Safety Recommendations H-97-1 through -6 in your reply.

Chairman HALL, Vice Chairman FRANCIS, and Members HAMMERSCHMIDT, GOGLIA, and BLACK concurred in these recommendations.

By:

  
Jim Hall  
Chairman