

# Documenting How States Recently Upgraded to Primary Seat Belt Laws



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16. Abstract <p>States with primary seat belt enforcement laws consistently have higher observed daytime belt use rates than secondary law States. Secondary belt law States, on the other hand, consistently have more occupant fatalities who were not restrained than primary law States. Since the year 2000, 14 States upgraded their seat belt laws to primary enforcement status. This study documented the roles, strategies, resources, and arguments these States used in efforts to pass primary belt laws. In-depth information was gathered from 10 case study States that passed their laws in 2004 to 2009 (Tennessee, South Carolina, Alaska, Mississippi, Kentucky, Maine, Minnesota, Arkansas, Florida, and Wisconsin). The research team conducted a literature review to provide background on the legislative histories of passing primary safety belt laws and to identify people and topics for subsequent interviews.</p> <p>Over 80 in-depth interviews were conducted with a variety of people who played key roles in the process of upgrading to primary enforcement to identify successful strategies, describe concerns from the opposition, and outline approaches used to overcome these concerns. Each of the 10 case study States was unique in terms of the approach used to pass a primary belt law, but there were common efforts and themes among them.</p> <p>Issues that were important in passing a primary seat belt law included: understanding that passing a primary law is a multiyear effort involving a broad-based network of organizations and individuals working in the unique political situation in the State; identifying and effectively responding to opposition arguments; maximizing awareness of the availability of Section 406 Safety Belt Performance Grants, a portion of which could be used for highway and infrastructure projects; using paid lobbyists to provide information and address concerns of legislators; engaging the media to enlist and report on public support; presenting the bill in terms of a public health issue to save lives, reduce injuries, and reduce State medical expenditures; and using a variety of legislative techniques.</p> <p>The top two opposition concerns were intrusion of government on personal freedoms and racial profiling. Advocates addressed these concerns by pointing out that a primary law simply changed how an existing State belt law was enforced, making it like all other traffic violations; bringing in experts on race, public health, and law enforcement, showing how increasing belt use would result in significant health care savings and save lives; and by separating the issue of primary enforcement from racial profiling. Many brought in minority groups, universities, and medical communities to discuss primary belt laws in public health terms and some included separate legislation to address racial profiling concerns.</p>			
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# Executive Summary

## Introduction and methods

Increasing seat belt use is the simplest and most effective way to decrease traffic fatalities and injuries (Automotive Coalition for Traffic Safety, 2001). Seat belt use in the United States and territories reached a record high rate of 85% in 2010 and seat belts saved an estimated 12,713 lives among passenger vehicle occupants age 5 and older (NHTSA, 2010c; Pickrell & Ye, 2010). While this rate is encouraging, the United States still has a lower seat belt use rate than many other developed countries. States with primary seat belt enforcement laws consistently have higher observed daytime belt use rates and lower fatality rates than secondary law States. Secondary belt law States, on the other hand, consistently have more occupant fatalities who were unrestrained at the time of their deaths and a 15% higher fatality rate per 100,000 population than primary law States (NHTSA, 2008).

In 1999, Russell, Dreyfuss, and Cosgrove conducted a study involving 6 States that had recently upgraded their secondary seat belt use law to a primary enforcement seat belt law. This report documented strategies that were used to support or oppose new legislative provisions and the barriers encountered in modifying seat belt laws. In the decade since this report was published, a number of States have successfully negotiated the legislative process and enacted primary enforcement laws. The States examined in this study are: Tennessee, South Carolina, Alaska, Mississippi, Kentucky, Maine, Minnesota, Arkansas, Florida, and Wisconsin. The strategies used to attain primary enforcement status in these States may help other States considering the switch from secondary to primary seat belt enforcement.

The purpose of the current study is to explore relevant strategies and identify key opposition to understand the legislative process and roles played by politicians and other individuals. This study also explores the non-legislative components that are important in the process. The study has two main objectives:

- Document the roles, strategies, resources, and arguments used in efforts to pass primary seat belt laws; and
- Compare the findings and conclusions among the case study States to identify common legislative efforts and politics that other jurisdictions might encounter when considering primary seat belt enforcement legislation.

The research team began by conducting an extensive literature review to provide background on the legislative histories of passing primary seat belt laws and to identify people and topics for subsequent interviews. Next, they conducted over 80 in-depth interviews with a variety of people who played key roles in the process of upgrading to primary enforcement in the 10 case study States. Although each unstructured interview varied to some degree, standard procedures were followed to be certain important questions were not omitted. This information was then combined with the literature review material and documents provided by the participants to understand the process each State experienced while upgrading to a primary enforcement seat belt law.

## **Key participants and their roles**

The synthesis reviewed key participants and the roles they played in the passage of primary seat belt legislation. The following section gives a brief description of each group's role.

*National Highway Traffic Safety Administration (NHTSA):* NHTSA, and more specifically the Regional Administrators (RAs) in each State, played roles in each of the case study States. In general the RAs provided technical assistance through relevant research and information on the benefits of upgrading to primary enforcement.

*State Highway Safety Office (SHSO):* In most case study States, the SHSO provided general information regarding primary seat belt laws and shared this information throughout other State agencies and the public. Because of lobbying restrictions, unsolicited activity with the legislature is directly prohibited. Therefore, much of the work done by the SHSO was in providing information to those who were able to advocate or lobby. When invited, members of the SHSO testified in legislative committee hearings.

*State Department of Transportation (DOT):* In a few States, the State DOTs took the lead in ushering the primary enforcement bill through the legislature and provided technical guidance to advocates. The State DOTs reached out to their district offices across the State and created a network to share information about the benefits of primary seat belt laws and to keep supporters up to date with the status of the bill in the legislatures.

*National safety advocacy groups:* National safety advocacy groups had important roles in most of the 10 States in the study. A few national groups specifically adopted the goal of working to increase the number of States that have a primary enforcement seat belt law. They provided States with technical and monetary resources to support primary enforcement legislation. These funds filled a gap that States' were unable to fill due to prohibitions on spending Federal and State funds for lobbying.

*National Transportation Safety Board (NTSB):* NTSB supported several States by providing background information, technical advice and data. NTSB provided referrals to other individuals and groups that could help support the effort, and provided direct testimony when invited to do so.

*Governor:* In most cases, the governors did not publicly advocate for a primary enforcement seat belt law, but they did offer passive support and agreed to sign the bill if it successfully passed out of the legislature. The governor's support or even acquiescence meant that other appointed State leaders would also support the bill and elected leaders may be influenced.

*Lobbyists:* In the majority of the 10 States, professional lobbyists were specifically hired by advocates to support the primary enforcement law effort or included it as one of their issues. Lobbyists frequently met with individual legislators to address their specific issues regarding the primary enforcement bill.

*Coalitions:* Coalitions were an important element in the effort to upgrade to a primary



enforcement seat belt law in many States. Coalitions, broad-based groups of seat belt proponents with various backgrounds and expertise, generally worked collaboratively to provide and coordinate grassroots support throughout the State.

*Law enforcement:* The law enforcement community was involved at varied levels in each State. Law enforcement officials had a unique perspective to offer given that they had personally witnessed the impact of severe traffic crashes involving unbuckled occupants in their line of work. These officials offered direct assurance to the legislature that the law would not be used by law enforcement agencies to harass the public or cause an increase in racial profiling.

*Public health and medical professionals:* The majority of States used public health and medical professionals to frame the issue of a primary seat belt law in terms of human lives lost or severe injuries suffered due to non restraint use. Members of the medical community often testified in legislative hearings about the impact of non-restraint use in motor vehicle crashes and the importance of having a primary enforcement seat belt law.

### **Public opinion and awareness**

Several States used polling data to gauge the attitudes of the general public and their knowledge of primary seat belt laws. They conducted polling surveys in different ways, some more formal than others. Overall, the majority of the public tended to be in favor of primary enforcement seat belt laws, but not overwhelmingly so. Positive polling data had an effect on some legislators' decisions to vote in favor of the law.

### **Opposition concerns and strategies**

There was little organized opposition to the passage of primary enforcement seat belt laws in the 10 case study States. There were nine common opposition concerns expressed among the States, although each State had a unique combination of concerns. Opposition mainly came from individual legislators. Examples of how States addressed each of the nine issues are listed below the particular issue.

- Intrusion of government on personal freedom
  - Advocates argued that the State already had a law mandating belt use and that enacting a primary law would simply change how the law was to be enforced.
  - Increasing seat belt use would result in significant health care savings to the State.
  - A primary enforcement law would help save citizens' lives.
- Racial profiling
  - Advocates brought in experts on race, public health, and law enforcement to testify and answer questions.
  - Advocates disconnected the issues of racial profiling and primary enforcement and addressed each separately.
  - Many States amended their primary enforcement bill to include separate legislation to address racial profiling concerns, such as mandating data collection and analysis of traffic stops, and creating a racial profiling hotline.
- Pretext stops by law enforcement

- Law enforcement officials testified that the primary enforcement law is a known way to increase seat belt use and decrease deaths and injuries.
- Amendments to primary enforcement legislation directly addressed the issue by specifically prohibiting vehicle searches by law enforcement officers resulting solely from a primary enforcement seat belt traffic stop.
- Lack of a motorcycle helmet law
  - Advocates argued that seat belt and helmet laws were separate issues.
  - Seat belt legislation was presented first during the legislative session.
- Individual legislators
  - Some legislators were persuaded to support the bill based on Section 406 fund availability and the fiscal benefits they brought to their State.
  - Lobbyists were used to develop political solutions and compromises, such as agreeing to garner support for another bill on the agenda.
  - Advocates simply waited until the individual legislators who were strongly opposed either left office or stepped down from a leadership position.
- Rural concerns
  - Advocates created data and information sheets addressing pickup truck rollover crashes.
  - Legislators added amendments to exclude farm vehicles registered solely for agricultural use.
- Alcohol industry concerns about possible negative impact on businesses that served alcohol
  - Advocates and partners wrote letters to the editor that identified legislators who were sympathetic to the alcohol industry.
- Seat belt horror stories
  - Advocates developed data and information sheets to counter myths and inaccurate perceptions.
  - Subject matter experts testified to present statistics and information.
- Existing law is adequate
  - Advocates cited studies showing seat belt use rates increase following a change from secondary to primary enforcement.

## **Role of media**

The media played a role in all 10 case study States. Each State differed in how they engaged the media, the type of media used, and the level of media coverage wanted in support of the primary enforcement bill. Media included: newspaper and print media, television, radio, billboards and roadway signage, and the Internet.

## **Federal funding**

A State could qualify for Section 406 Safety Belt Performance Grants by enacting a primary seat belt law by June 30, 2009 or by maintaining a seat belt use rate of 85% or higher for two consecutive years between 2006 and 2008. This funding program had a great impact on the passage of primary enforcement in several States. Advocates pointed out that a portion of the grant funds could be used for highway and infrastructure projects.

## **Effective strategies**

Although each State engaged in different activities to pass a primary enforcement seat belt law, multiple key informants believed the following strategies and components were instrumental in the effort:

- Having an active partnership with minority-based universities and organizations;
- Coordinating coalition and lobbying activities;
- Engaging grassroots activities and communication;
- Having key champions, the right bill sponsor and committee, and testimony from a variety of advocates;
- Discussing the State's share of the costs of health care, Medicaid, and insurance of unbelted injured motorists;
- Extending the efforts over several years;
- Highlighting national and regional comparative data;
- Considering the order in which bill is introduced;
- Overcoming the opposition of individual legislators;
- Packaging the bill with other health and safety initiatives;
- Engaging the participation of victims' families and crash survivors;
- Putting Section 406 incentive funding into State's proposed budget package and highlighting broad uses of the funds for State infrastructure and highway purposes;
- Being ready to act when the "planets align";
- Considering and accepting trade-offs in amendments and coverage provisions; and
- Working with paid lobbyists.

## **Conclusions**

A common theme noted by several States after implementation of the primary law was that prior opposition to the bill vanished, the public generally accepted the new law, and the media reported positively on the subsequent increase in seat belt use and the lives saved within the State. This information may be encouraging for States that have struggled for several years to upgrade to a primary enforcement seat belt law, using many of the same strategies. Different strategies than those used in the successful States may need to be suggested. It is unlikely that the United States will reach a national belt use rate that is comparable to many other developed countries until the remaining States enact primary enforcement belt laws.

## Introduction

### Background

Traffic crashes are the leading cause of death in the United States for every age 3 through 5, 8, 9, and 11 through 33 (Subramanian, 2011). From 2008 to 2009, motor vehicle fatalities decreased 9.9%, but 30,797 people died in traffic crashes in the United States (National Highway Traffic Safety Administration, NHTSA, 2010a). Increasing seat belt use is the simplest and most effective way to decrease traffic fatalities and injuries (Automotive Coalition for Traffic Safety, 2001). Lap and shoulder belts used together reduce the risk of fatal injury to front-seat passenger car occupants by 45% and reduce the risk of moderate-to-critical injuries by 50%. For occupants of light trucks, seat belts lower the risk of fatal injury by 60% and moderate-to-critical injury by 65%. In 2009, the use of seat belts in passenger vehicles saved an estimated 12,713 lives. Seat belts have saved over 72,000 lives during the 5-year period from 2005 through 2009 (NHTSA, 2010b).

Seat belt use in the United States and Territories reached a record high rate of 85% in 2010 (NHTSA, 2010e). Despite this achievement, use of seat belts in the United States still lags behind many other developed countries. For example, Australia has an estimated use rate of 96% (Australian Automobile Association, 2010); England reports 95% use countrywide (Walter, 2010); belt use in Japan is 89.1% (International Association of Traffic and Safety Sciences, 2007); and Canada reports 92.5% (Transport Canada, 2008). Even within the United States, daytime statewide seat belt use rates vary widely from 60% in American Samoa, to 67.6% in Wyoming, to 98% in Michigan (NHTSA, 2010e). Clearly, there is still progress to be made in getting U.S. motor vehicle occupants to use seat belts on every trip.

States with primary seat belt enforcement laws consistently have higher observed daytime belt use rates and lower fatality rates than those with secondary laws. Secondary belt law States, on the other hand, consistently have more occupant fatalities who were unrestrained at the time of their deaths than primary law States and a 15% higher fatality rate per 100,000 population (NHTSA, 2008). Primary laws are associated with a 10- to 12% increase in observed belt use and 9- to 10-percentage-point increase among occupants killed in fatal motor vehicle crashes (Nichols et al, 2010). Seat belt use averages 88% in States with primary belt enforcement laws and 76% in States with secondary enforcement (NHTSA, 2010 e). Many States observed immediate increases in seat belt use rates when they switched their laws to primary enforcement status. The first 6 States to upgrade from secondary to primary enforcement found that their seat belt use rates increased from 8 to 22 percentage points (Eby et al. 2002). Michigan is an interesting example. The same authors describe how seat belt use in that State was 70% before primary enforcement and immediately increased to 83.5% after the State amended the law. One year later, Michigan's seat belt use was 80%, still significantly higher than with secondary enforcement, and today Michigan is among the top States in daytime seat belt use.

Despite the clear safety benefits of seat belts and the well documented increases in seat belt use States experience when they switch from secondary to primary enforcement, States have faced considerable challenges to upgrading to primary enforcement belt laws. Objections to primary seat belt enforcement laws in the past largely centered on two main concerns: government infringement on individual rights; and fear that primary enforcement may lead to police

harassment of citizens, particularly minorities. Studies have shown that this latter concern is likely unfounded. In the most comprehensive analysis of potential police harassment following a State's switch from secondary to primary enforcement, Eby et al. (2004) collected and analyzed citizen complaints, seat belt citations, race data, and direct observation surveys for one year before and one year after Michigan's switch from secondary to primary enforcement status. They also conducted a statewide telephone survey of people who had received a citation after the change. The study found that seat belt-related harassment complaints were very uncommon both before and after the law change to primary enforcement. There were no differences in seat belt citations by sex, race, or age after passage. The vast majority of people receiving seat belt citations reported officer behavior as professional and did not feel that they were singled out for their citation. A sizeable minority of Blacks and young people, however, reported perceptions of seat belt-related harassment.

In an effort to assist States in meeting the legislative challenges of upgrading to primary enforcement, NHTSA sponsored a project to understand and document the strategies used by States that had successfully changed to primary enforcement (Russell, Dreyfuss, & Cosgrove, 1999). This in-depth study investigated the legislative processes of six jurisdictions that had recently switched to primary seat belt enforcement: California, Louisiana, Georgia, District of Columbia, Maryland, and Oklahoma. The researchers interviewed a wide range of people in each State who were involved in the legislative process, including governor's highway safety representatives, State legislators, grass roots groups, lobbyists, coalition leaders, and media representatives. The study documented the complexity of the legislative process and found some consistent themes. Each jurisdiction required unique solutions to challenges to ultimately enact an upgrade to a primary enforcement law. Yet within these solutions, three elements were instrumental in passing the legislation: the active involvement of a multi-jurisdictional coalition to advocate for primary enforcement; recognition that the passage of primary enforcement legislation would take several years of effort; and that addressing the concerns of individual legislators was more effective than addressing the concerns of organizations/constituents.

In the decade since this report was published, a number of States have successfully negotiated the legislative process and enacted primary enforcement laws. The strategies used to attain primary enforcement status in these States may help other States that are considering the switch from secondary to primary seat belt enforcement.

## **Purpose**

The purpose of the current study is to explore relevant strategies used by States to upgrade to primary seat belt enforcement, identify key opposition issues, and delineate the legislative process and roles played by politicians and other individuals. This study also explores the non-legislative components that are important in the process. The study has two main objectives:

- Document the roles, strategies, resources, and arguments used in efforts to pass primary seat belt laws; and
- Synthesize the findings and conclusions among the case study States to anticipate legislative efforts and politics that might occur in other jurisdictions considering primary seat belt enforcement legislation.

## Methods

### Case study States

Since the year 2000, 14 States have upgraded to primary seat belt laws. The most recent State to upgrade was Kansas, which enacted its law on June 10, 2010. However, given the timeline of this study, the investigation examined the 10 States that upgraded their laws from 2004 to 2009. The States that upgraded during this timeframe were (in chronological order beginning in 2004): Tennessee, South Carolina, Alaska, Mississippi, Kentucky, Maine, Minnesota, Arkansas, Florida, and Wisconsin. Table 1 shows an overview of the provisions of each State's primary enforcement seat belt law.

<b>STATE</b>	<b>YEAR PASSED</b>	<b>SEATS and AGE COVERED</b>	<b>EXEMPTIONS</b>	<b>MAXIMUM FINE (at time of passage)</b>
Alaska	2006	All, 16+	<ul style="list-style-type: none"> <li>• Vehicles made before 1965 that did not include seat belts when originally produced and not registered as a custom collector vehicle</li> <li>• School buses, emergency vehicles, mail or newspaper delivery, non-highway vehicles generally (off road or snowmobile)</li> </ul>	\$15
Arkansas	2009	Front, 15+	<ul style="list-style-type: none"> <li>• Disability noted by a physician</li> <li>• Ambulance or other emergency vehicles</li> <li>• When an emergency exists that threatens the life of any person operating a vehicle or any child who otherwise would be required to be restrained under this law</li> </ul>	\$25
Florida	2009	Front, 6+ (All, 6-17)	<ul style="list-style-type: none"> <li>• Disability noted by a physician</li> <li>• School buses, public and private transportation buses, farming vehicles, trucks with a gross weight of over 26,000 pounds and motorcycles, mopeds and bicycles</li> <li>• Newspaper delivery persons, garbage collection workers, individuals in the living space of a recreational vehicle and persons occupying vehicles not required by Federal law to have seat belts</li> </ul>	\$30
Kentucky	2006	All, 7+, 6- & 50"+ (All, 40"+)	<ul style="list-style-type: none"> <li>• Disability noted by a physician</li> <li>• Vehicles designed for &gt;10 people, farm trucks &gt;2,000 lbs, and motorcycles</li> <li>• Vehicles made before 1982</li> </ul>	\$25
Maine	2007	All, 18+	<ul style="list-style-type: none"> <li>• Disability or medical condition</li> <li>• Postal carrier on duty</li> <li>• The passenger is older than one year old and there are more people in the vehicle</li> </ul>	\$50

			than seat belts	
Minnesota	2009	All, 8+, 7- & 57"+ (Front; All, 3-10)	<ul style="list-style-type: none"> <li>• Disability noted by a physician</li> <li>• Postal carriers on duty</li> <li>• Farm equipment</li> <li>• Vehicles made before 1965</li> </ul>	\$25
Mississippi	2006	Front, 7+ (All, 4-7; Front, 8+)	<ul style="list-style-type: none"> <li>• Farm vehicles, buses, postal vehicles, utility meter readers' vehicles, all-terrain vehicles, vehicles designed to carry &gt;15 persons, trailers</li> </ul>	\$25
South Carolina	2005	All, 6+	<ul style="list-style-type: none"> <li>• Disability noted by a physician</li> <li>• Medical or rescue personnel attending to injured or sick individuals in an emergency vehicle when operating in an emergency situation as well as the injured or sick individuals</li> <li>• School, church, or day care buses; public transportation vehicles except taxis; parade vehicles; postal service vehicles</li> <li>• Vehicles in which all seating positions with seat belts are already occupied, persons occupying vehicles not originally equipped with seat belts</li> </ul>	\$25
Tennessee	2004	Front, 16+	<ul style="list-style-type: none"> <li>• Disability noted by a physician</li> <li>• Rural letter carriers while performing their duties with the United States Postal Service, salespersons or mechanics at auto dealerships who regularly test drive more than 50 cars in a day within one mile of their place of business, various public utility workers, including meter readers, newspaper delivery persons and those riding in vehicles used in a parade or hayride, as long as the traveling speed does not exceed 15 mph</li> </ul>	\$10
Wisconsin	2009	All, 8+	<ul style="list-style-type: none"> <li>• Disability or medical condition</li> <li>• Law-enforcement officers operating emergency vehicles, taxicabs, land-surveyor crews working along a highway, or if a situation requires the driver to make more than 10 stops in one mile</li> </ul>	\$10

## Literature review

The research team conducted a literature review at the beginning of the project to gather information about the 10 case study States. The objective of the literature review was to provide background on the histories of successful primary enforcement seat belt laws enactment and to identify people and topics for subsequent interviews. Information was gathered on the following topics:

- National Committee of Uniform Traffic Laws and Ordinances' model standard seat belt law;
- Seat belt use statistics;
- Data related to lives and dollars lost as a result of crashes;
- Mileage death rates;
- Legislative histories of seat belt bills;
- Legislative staff analysis of seat belt bills;
- Newspaper articles and press releases; and
- Material prepared by seat belt law opponents.

The University of Michigan's MLibrary (see <http://www.lib.umich.edu/>) facilitated data gathering, which allowed UMTRI faculty and staff electronic access to dozens of databases that contained material related to the topics of interest. MLibrary also provided electronic access to hundreds of newspapers, which allowed access to various States' newspapers and articles containing information regarding the primary seat belt law legislative process.

To obtain information related to lives lost and the cost of traffic crashes, UMTRI staff performed a multifaceted web search of articles, medical presentations, testimonials from National Transportation Safety Board (NTSB) committee members, NHTSA, insurance companies, State Department of Transportation Web sites, Crash Outcome Data Evaluation System (CODES), State Highway Safety Office Web sites, and FARS data reporting crash statistics. NHTSA and State Highway Safety Office Web sites also provided up to date statistical information regarding seat belt use rates.

Searches of each State's legislative Web site provided information about the history of primary seat belt legislation, as well as information about bill sponsors, legislative committees and their members, the voting results for each bill, and the process the bill passed through before it became law. The legislative Web sites provided the language of the bill, the modifications made to the language, and amendments added to the bill throughout the legislative process.

The research team reviewed materials prepared by the opponents of primary seat belt laws found in various blogs, online discussions, online news articles, and opposition group Web sites.

The research team used information gathered throughout the literature review process to develop a list of potential contacts to interview for each State. Each State's Highway Safety Office and the corresponding NHTSA Regional Administrator were asked to provide a list of names of individuals who were significantly involved in the process of upgrading to primary enforcement. Preliminary interviews were conducted with a small number of people who either had ties to many of the States involved in the study or represented national organizations that have supported primary enforcement legislative efforts. Additional contacts were added to the list through these interviews. Internet resources, staff knowledge, and other contacts were used to locate potential informants who no longer worked for the organizations that were involved in the passage of the primary law.



## **Invitation to participate**

The research team invited each potential participant to participate in the project by e-mail. Collectively, over 150 e-mails were sent to various individuals, groups and organizations in the 10 case study States. Each e-mail invitation described the project, identified UMTRI team members working on the project, requested an interview at their convenience, and assured the participant of confidentiality and anonymity of their comments.

In States where the legislation took place a number of years ago, it was typical to find that some of the primary participants were no longer available or did not remember many of the details of their activities. In a few cases, researchers were unable to reach informants despite using multiple contact methods (e-mail, phone, etc.) and asking others familiar with the individual to make an introduction or request that they respond. Two non response categories were especially challenging. Some of the legislators are still serving or had been elected to national office. Because legislatures are typically in session during the spring when the interviews were conducted, it was often difficult to reach them and/or to obtain any of their time. The second difficult category was opponents to the legislation. In most cases the opponents simply would not respond to the request despite multiple attempts to reach them. In both categories, especially legislators, the investigators believe that they reached a sufficient number of legislators and opponents to fairly present their perspectives.

## **Interview guide**

An interview guide adapted from Russell et al. (1999) was used to gather similar information for each State. The interview guide was tailored to the role and perspective of each participant. Interview questions were updated and new questions incorporated information gathered from the literature review and expert knowledge of the research team. Each interview addressed several of the following topic areas:

- The motivations or political pressures for initiating primary enforcement seat belt legislation in the State;
- Legislative obstacles to passing a primary enforcement seat belt law;
- Individuals, groups, lobbyists, and coalition team members who played key roles in the legislative process, including convincing spokespersons, prominent champions, and opponents;
- The perceived major factors resulting in the eventual passage of the proposed primary enforcement law;
- The approaches, strategies, tactics, lobbying, legislative language, and negotiations/compromises for overcoming legislative obstacles, the dynamics of these factors during lawmaking, and conflicts about them within the communities of advocates and opponents;
- Participants' individual/collective roles, resources and contributions to persuade legislature members and the governor to influence, support, or oppose the outcome;
- Effective/persuasive arguments, rejoinders, and information that influenced legislators' and governors' positions (e.g., statistics, economic data, highly visible fatalities);

- Efforts to generate and influence media coverage of legislative activities, including proactive and reactive efforts by advocates and opponents, and the results of these efforts;
- The impact of the Section 406 Safety Belt Performance Grants program for States with primary seat belt laws.

### **Interview protocol**

The research team conducted over 80 in-depth interviews with a wide range of participants involved in the process of upgrading to primary enforcement. All three report authors conducted the interviews by conference call in all but three cases. This allowed each team member to follow up on responses to interview questions based on the collective background of the entire team. This also allowed for consistency between interviews as each research team member had a specific role to fulfill during each interview. Although interviews varied, standard procedures were followed to be certain complete data were collected and important questions were not omitted.

### **Interview recording and confidentiality**

All interviews were recorded to ensure consistency in team members' notes and for review following the completion of all interviews. At the start of each interview, the research team reminded participants that the conversation was being recorded, that their comments were confidential, and that they would never be identified by name in the report. If necessary, the participant was told that the recordings were for research purposes only, and only select research staff had access to the audio recordings. The participants' recordings were protected under strict ethical guidelines to which the research team adhered, and all audio files were destroyed upon completion of the project.

### **Individuals interviewed**

Researchers interviewed a variety of people who played key roles in the process of upgrading the State's belt law. They spoke with both supporters and opponents of the law to get a balanced perspective of the opinions and events that led to the legislative change. Participants held positions at local, State, regional, and national levels and were representatives from various organizations across each State including:

- Legislative participants;
- Governor's highway safety representatives;
- Seat belt coalition members and other interested persons, including statewide traffic groups, national safety advocacy groups, lobbyists, law enforcement, public health/medical community, public relations/media;
- NHTSA regional administrators and staff;
- Representatives of national organizations; and,
- Various opponents of the law.

## **Analysis**

The team used the digital voice recordings and compiled notes to systematically sort and classify information to uncover trends and themes in the responses. Following their interview, several participants offered to share key documents, presentations, videos, and Web sites that were used to disseminate information and influence, support, or oppose the issue. These supplemental materials gave a unique perspective of the issues and strategies used to further their case.

Information gathered during the interview process was combined with material collected during the literature search and documents provided by the participants in an effort to understand the intricate process each State experienced while upgrading to a primary enforcement seat belt law.

## **Key Participants and Their Roles**

In the 10 States examined, several different groups and organizations took part in the effort to pass primary enforcement seat belt legislation. The following section gives information about the role each group played and examples of activities they conducted.

### **National Highway Traffic Safety Administration**

The NHTSA Regional Administrator for each State played a role in each of the 10 case study States. While their role varied in involvement by State, at a minimum, NHTSA provided technical assistance through relevant research and information on the benefits of upgrading to primary enforcement. The majority of NHTSA's contacts were with the Highway Safety Office in each State. The NHTSA RAs responded to requests for information by providing fact sheets, contact names in other States, other technical resources and referrals to experts, information regarding the financial impact of upgrading to a primary enforcement law, and general information on how each State's seat belt use rates and unrestrained fatalities compared to other States. In some jurisdictions, NHTSA was invited by legislators to meet with or provide verbal or written testimony to the legislature. Frequently the RA was specifically invited to speak to legislative leadership regarding the Section 406 Safety Belt Performance Grants program and to give more information about how the State could allocate and use the funds if the law change was enacted (please see page 32 for more information about this program). The NHTSA RA also played an instrumental role in arranging to review of each State's bill language to ensure compliance with, and therefore eligibility for, the Section 406 program funds.

### **State Highway Safety Office**

The designated Governor's Highway Safety Representative (GR) and the staff of the State Highway Safety Office (SHSO) played an important role in most of the case study States. The majority of SHSOs provided general information regarding primary enforcement seat belt laws to other State agencies and the public. Among the variety of activities performed, providing fact sheets and current data to those that were able to advocate or lobby was very common. Often universities within the State prepared customized information for the SHSO. They also provided information to grassroots organizations and coalitions throughout the State. When invited, members of the SHSO testified in legislative committee hearings.

Since 2000, lobbying restrictions have been in place for those employees whose salaries are supported in whole or in part with Federal funds, such as some of those employed at the SHSO. Such persons can respond to direct requests from legislators regarding a specific legislative bill, including testifying. However, the restriction directly prohibits these employees from unsolicited activity with the legislature on an identified bill. If the GR or SHSO staff is paid solely with State funds, the Federal prohibition would not apply. The State may impose its own restrictions on lobbying activities. In a few States where neither Federal nor State lobbying prohibitions existed, the GR or staff of the SHSO were intricately involved in multiple aspects of the primary enforcement effort including lobbying, directly coordinating, and leading or co-chairing the campaign.

### **State Department of Transportation**

In a few case study States, the State Department of Transportation played an important role in the passage of primary enforcement. While the SHSO took the lead in ushering through legislation or providing technical guidance in most States, the DOT spearheaded the issue and performed a similar role in a few cases. In these States, the DOT reached out to their district offices across the State. Each district coordinator generated support for the primary seat belt legislation in their areas. This created a network that shared information about the benefits of primary seat belt laws and the status of the bill throughout the State.

### **National safety advocacy groups**

National safety advocacy groups were active in most of the 10 case study States. A few national groups specifically adopted the goal of working to increase the number of States that have primary enforcement seat belt laws. To facilitate that goal, some of the groups met periodically to coordinate their activities, strategize collectively, and provide resources to interested States. These groups provided the States with a spectrum of technical expertise and in some cases monetary resources to support primary enforcement legislation. National safety advocacy groups often financed lobbyists and related activities, filling in a gap due to prohibitions on the expenditure of Federal and State funds for lobbying. Some of the advocates' funds were used to supply leadership and support for coalition activities. Some coalition leaders, for example, were often members of national organizations that paid for their time and involvement. National safety advocacy groups connected local groups with allies in other national groups who could provide additional support, resources and insight. Several national safety advocacy groups had local chapters in many States and long-standing relationships with the legislatures. These contacts allowed access to both statewide coalitions and the legislature, and provided an opportunity for many groups to work together to support a primary enforcement seat belt law.

### **National Transportation Safety Board**

The staff of the National Transportation Safety Board (NTSB) provided background information and supportive facts about the benefits of primary enforcement seat belt laws to States, similar to NHTSA's role. NTSB staff provided written material and technical advice, often by telephone. Because of its involvement at the national level, NTSB provided referrals to other individuals

and groups for advocates to contact. NTSB provided direct testimony when invited to do so. In some States, the NTSB made personal calls to individual legislators who needed more information. This dedicated attention was a small, but influential component of the support NTSB provided.

## **Governor**

A common theme found in most States was the governor's implied support of the primary enforcement law. These governors made it clear that they would sign the bill if it made it through the legislature, although they did not actively support the bill. Had the governor made it known that he or she would not sign the bill, it would have been more difficult to obtain the necessary support within the legislature. Knowing that the governor would sign the bill encouraged proponents of the law to expend the time and effort to get the law passed and other appointed and elected State leaders were more likely to support the bill as well. In a few case study States, the governor (or his or her staff as directed by the governor) was proactively involved in initiating or supporting the change to primary enforcement. In most cases, the governor's public support greatly increased the likelihood of a positive outcome.

While having the governor's implied or active support of the law was helpful, in at least one case it was not absolutely crucial. In one of the most recent States to upgrade to primary enforcement, the governor opposed the change and did not sign the bill after it had been passed by the legislature. In that case, the governor knew that the legislature would override a veto so the bill went into effect without his signature.

## **Lobbyists**

In most of the case study States, professional lobbyists were assigned by their clients or specifically hired by supporters to do a variety of tasks in support of the primary enforcement bill. The lobbyists for State agencies frequently worked with the legislatures, particularly if the governor actively or passively supported primary enforcement legislation. Lobbyist involvement varied by State. In some cases, a lobbyist's activity was a key element to passage of the law, in others it was not. At the time of the law's passage, a few States did not have a professional lobbyist working on the effort, but likely had done so during previous unsuccessful attempts. Lobbyists shared educational information provided to them by the advocates about the importance of a primary enforcement law to members of the legislature, including fact sheets regarding fatality statistics and economic cost data. Lobbyists frequently met with individual legislators to address specific issues regarding the proposed law. In a few States, lobbyists worked on drafting the bill and in securing bill sponsors, coordinated the lobbying activity and worked closely with political leadership to appropriately time, position and usher the bill through the legislature. In some cases, lobbyists organized local and statewide grassroots organizations and partnered with existing organizations and coalitions to engage the legislators in both their local districts and at the State capitols.

## **Coalitions**

Coalitions actively supported the passage of a primary enforcement law in several States. Most often, coalitions worked to provide and coordinate grassroots support. While some coalitions had formal structures with clearly defined goals and member duties, others were more informal and defined as “loose” advocacy groups. The common element among them was that they had little or no budgets, so members’ activities were voluntary. Coalitions typically consisted of a wide-range of seat belt proponents, including lobbyists, law enforcement officials, members of the medical and public health community, vehicle manufacturers, individual citizens, various State agencies, and traffic safety groups at the national, State and local community levels. Coalitions facilitated communications and brought people to the table whose backgrounds could be influential in the primary enforcement debate. Many coalitions worked for years to garner the support of the public and legislature. At times, existing coalitions dedicated to other public health or traffic safety issues would take on primary enforcement as a key issue and divert some of their resources to advance the issue. Specific activities performed by each coalition varied by State, but their ultimate goal was to generate broad-based support for primary enforcement and to assist with obtaining the necessary votes to pass the law.

## **Law enforcement**

The law enforcement community was involved at varied levels in each State and publicly supported the primary enforcement law. In many States, leading law enforcement officials spoke to the legislature and the public about the importance of primary enforcement seat belt laws in reducing the frequency of motor vehicle crash injuries and deaths. Law enforcement officials had a unique perspective to offer given that they had witnessed the impact of severe traffic crashes involving unbuckled occupants in their line of work. They were able to testify to the pain and suffering they had seen and the positive impact a primary enforcement law could have on reducing traffic related injuries and deaths. These officials provided direct assurances to the legislature that the law would not be used by law enforcement agencies to harass the public or cause an increase in racial profiling. Some States opted not to place law enforcement in a lead position on primary enforcement legislation in order to avoid having the amendment misinterpreted as an effort to generate additional revenue. Instead, other advocates promoted the law and took the lead in providing testimony in support of the law.

## **Public health and medical professionals**

Public health and medical professionals played key roles in nearly all of the States studied. A wide range of professions became involved including doctors, nurses, EMTs, firefighters and other first responders, occupational and physical therapists, trauma surgeons, medical examiners and hospital administrators. In one State, the State Surgeon General made the issue a key component of his agenda. Those coming from the public health perspective framed the primary belt law in terms of lost human lives or severe injuries due to non-seat belt use. The medical community took the lead in some legislative hearings so that the issue was viewed as a safety and public health matter. Medical professionals in several States spoke to the legislatures about the impact of non-restraint use in motor vehicle crashes and the importance of having such a law. Some doctors provided emotionally moving testimony about cases they had seen in hospital

emergency rooms. They described the differences in health care treatment costs of restrained versus unrestrained patients following a motor vehicle crash.

## **Public Opinion and Awareness**

Attitudes of the general public play an important role in shaping public policy at the State and local level. It is useful to know how strongly the public holds particular opinions and the direction those opinions seem to be moving. Public opinion polling can provide valuable information on what the public believes and expects out of the public officials they have elected. Because of the importance of public opinion in the larger legislative process, some jurisdictions took action to understand how the public felt about primary enforcement seat belt laws.

### **Polling data**

Several States conducted polls to gauge public opinion and awareness of primary enforcement seat belt laws. The polls were administered in a variety of ways, both formally and informally: newspapers polled their readers, legislators polled their constituents, traffic safety groups polled their members, and universities used random digit dialing to poll a sample of licensed drivers. Specific polling numbers differed by State, but polls typically showed that the majority of the public favored primary enforcement seat belt laws, although not overwhelmingly. Public opinion data in support of the primary law was often shared with the legislature and used in testimony. In a few States, polling showed that the citizens believed that a primary enforcement law was already in place.

### **Constituency effects on district legislator**

While popular opinion is not the only factor that determines public policy, it is generally an important one. In several case study States, constituents who contacted their district legislator and expressed their opinion about the seat belt legislation generally had a positive effect on how the legislator voted. Legislators in one State surveyed their constituents by simply placing questions about the seat belt law on their Web site. By doing this, the public was able to express support for the law, which allowed the legislator to vote for the law with minimal concern of public disapproval. In some cases legislators opposed the primary enforcement bill despite supportive public opinion polling data.

## **Opposition Concerns and Strategies**

### **Overview of Opposition**

Similar to findings reported in Russell et al (1999), there was little organized opposition to the passage of primary enforcement laws in any of the 10 case study jurisdictions. Instead, opposition came from private citizens, a few journalists, members of some national organizations (some of whom spoke on their own behalf), and mainly from individual legislators (whose opposition was not generally shared by their constituents). The news media generally supported passing primary enforcement seat belt laws and were engaged by advocates in some States as a

way to keep the public informed about the status of the primary law debate. Informants in some States mentioned that talk radio show hosts were particularly opposed to a primary enforcement law.

The chapters of several national organizations, including the American Civil Liberties Union, National Association for the Advancement of Colored People, American Bikers Aimed Towards Education, Farm Bureau, and the National Motorists Association, expressed opposition to passing a primary enforcement law in some States. This opposition was generally not organized, sustained, or strong enough to prevent success. In one case, the president of a State chapter of a national organization expressed opposition but did not receive support from the national office.

Opposition to a primary enforcement law frequently brought together persons with widely divergent viewpoints who generally do not agree on public policy issues. Those looking to protect personal freedoms and limit government intrusion were in opposition to primary enforcement laws along with individuals whose opposition was based upon racial profiling concerns for minority groups. This unusual mutual opposition to a policy issue often made countering the opposition more challenging for advocates.

Legislators' support and opposition to the primary law was bipartisan and did not necessarily fall along party lines. In 4 of the 10 States the primary enforcement bill was sponsored by a Democrat; in 2 States the sponsor was Republican; and in 4 States bill sponsorship was bipartisan. In some States, one party had the majority in the senate and house, but still had difficulty passing the bill because of opposition from members of the same party. In several States, legislators who were opposed to the primary enforcement bill held leadership positions that allowed them to keep the legislation in committee or prevent the bill from being voted on by the legislature. Legislators who opposed the primary enforcement bill generally did so on the grounds of too much government intrusion into individual freedoms or concerns that the law would lead to minority harassment by law enforcement officials.

The impression given by the majority of informants was that Democratic Party members tended to be more open to the concept of primary enforcement as a protection of society. Some Republican Party members opposed on the basis of limiting government regulation. In one State, these assumptions did not hold true. One of the key sponsors of the bill was a Republican legislator. The basis of their support was fiscal conservatism, as the legislator saw the cost of unbelted crash fatalities and injuries as unfairly reaching into the taxpayers' wallets. Another supportive viewpoint of some conservative legislators was that it did not make sense to have a law that could only be secondarily enforced.

### **Specific Opposition Concerns**

Although organized opposition was not strong in most States, key informants identified a variety of arguments used to oppose primary enforcement. These concerns ranged from philosophical issues (the role of government), to enforcement issues (profiling), to emotional issues (fear of drowning in water crashes). Primary enforcement law advocates used a variety of strategies to address each of these concerns.



### ***Intrusion of Government on Personal Freedom***

By far the most commonly cited opposition concern was that primary enforcement of a mandatory seat belt use law infringed on the public's personal freedoms. This was the only opposition concern that was expressed in every State. This concern was often characterized as the government should not be telling people what to do in their personal lives—people should decide for themselves whether to engage in this safety-related behavior. Others used the phrase “nanny state” to describe the primary enforcement law. While this argument targeted mandatory seat belt use laws in general, people who had this concern felt that the primary enforcement of seat belt use laws would increase government intrusion on personal freedoms.

### ***Advocate Strategies: Intrusion of Government on Personal Freedom***

Advocates addressed this concern using several strategies, most of which were implemented in every State.

- Advocates pointed out that the State already had a law mandating seat belt use and that the primary enforcement amendment was simply changing how the existing law was to be enforced. Further, they argued that the only traffic law with secondary enforcement status was the seat belt use law. Passing a primary enforcement seat belt law would bring the offense to the same level as all other traffic laws—changing how the law is enforced does not change the level of government intrusion.
- The advocates in most States argued that the increased seat belt use resulting from primary enforcement would provide significant health care savings that would benefit everyone in the State through decreased (or at least not increased) taxes and public medical costs. Cost savings data analyses were often provided directly by NHTSA or with NHTSA's assistance.
- In most States, advocates argued that a primary enforcement law would help save citizens' lives, independent of the cost savings benefit. Advocates also recruited representatives from the first responder, traffic crash survivors, surviving family members, emergency medicine, and injury prevention communities to provide testimony and answer questions. Some States provided specific data on potential lives that could be saved by a primary enforcement law in the districts of those legislators who opposed the law.
- Advocates showed that the number of citations decreased over time in States that had enacted primary enforcement laws because the number of offenders decreased as more motorists wore their seat belts. Law enforcement agencies assured legislators that they would enforce the primary law on an equal level with other traffic laws, not disproportionately.
- Some informants commented that the opportunity to obtain Federal Section 406 incentive funding by passing primary enforcement helped to overcome this concern for some legislators. However, other informants mentioned that the incentive funding program was interpreted as another example of government intrusion that actually provided a disincentive to support the primary enforcement bill.

### ***Racial Profiling***

The second most commonly expressed opposition concern was that the primary seat belt law would lead to harassment of minority vehicle occupants by law enforcement, known also as racial profiling. Racial profiling was the most widely spread issue, with this concern expressed

by legislators, civil rights organizations, and the public. While this concern was expressed strongly in some States, it was not expressed in all States.

### ***Advocate Strategies: Racial Profiling***

A number of strategies proved useful in countering the racial profiling concern.

- In some States, the legislative Black Caucus initially expressed opposition to the primary enforcement bill. Advocates made a concerted effort to address the specific concerns of the Black Caucus leadership and members and in most cases gained their support or agreement not to actively oppose the bill. In one State, the Black Caucus led the primary enforcement effort and this strategy proved to be successful.
- Advocates brought in experts on race and ethnicity, public health and law enforcement issues, both from outside and within the State, to testify and answer questions. Many States used the expertise and assistance of Meharry Medical College, a historically Black college, to explain the disparity in seat belt use rates and increased risk of injury to minorities in traffic crashes. Other States relied on experts from local colleges and universities to provide this information. Advocates conducted outreach activities with minority groups to heighten their interest in increasing seat belt use in some cases.
- Primary bill advocates in most of the States where racial profiling was a concern sought to frame the issues of primary enforcement and profiling as separate issues. Advocates acknowledged that profiling might be occurring with some law enforcement officials and if so should be addressed with specific legislation directed at profiling regardless of the initial source of the action. Advocates stressed that the primary enforcement seat belt law should be considered in terms of its overall benefit in saving lives within the minority and general populations and in reducing health care costs.
- In some States, advocates recruited bill sponsors and committee chairs who were members of ethnic minorities.
- Some informants commented on the value of having a popular minority legislator testify in favor of the bill while acknowledging the issue of racial profiling and advocating that this be addressed as a separate issue.
- Many States amended their primary enforcement bills or enacted separate legislation to address racial profiling concerns. Several States added provisions to mandate the collection and analysis of racial profiling data (e.g., racial data from traffic stops) and one created a racial profiling hotline and impartial process for filing complaints. Other States added provisions requiring police officer training. In one State, advocates promised and enacted legislation in the following session to address racial profiling during traffic stops.
- Advocates in some States cited research studies showing that primary enforcement laws benefit minority populations in terms of increased seat belt use and do not lead to increased harassment of minorities (for example, see Briggs et al., 2006; Eby et al., 2004; Maupin et al., 2004).

### ***Pretext Stops by Law Enforcement***

In a similar vein to racial profiling, some opponents of primary enforcement laws were concerned that it would lead to pretext stops by law enforcement, allowing them to pull drivers over and search any vehicle and its occupants. This argument was often aligned with the racial profiling concern but not in every State.

### ***Advocate Strategies: Pretext Stops by Law Enforcement***

Strategies to address these concerns were similar to those used to address racial profiling.

- Advocates arranged for law enforcement personnel to testify that the primary enforcement bill was a known way to increase seat belt use and decrease deaths and injuries within a State. Law enforcement also testified on their professionalism, training and the procedures already in place to monitor and prevent pretext stops.
- Some States amended their primary enforcement legislation to include language that specifically prohibited vehicle searches by law enforcement officers resulting solely from a primary enforcement seat belt traffic stop. This strategy was effective in relieving the concerns of many legislators and advocacy organizations.

### ***Lack of a Motorcycle Helmet Law***

Only 3 of the States investigated had mandatory helmet laws for motorcycle riders of all ages. The rest of the States mandated helmet use only for young riders defined as either under the age of 21 or 18, depending on the State. Four States had repealed their universal helmet laws (all ages) within the past decade. Some informants commented that it was difficult to make the case for a primary enforcement seat belt law when the State allowed motorcyclists to ride without using helmets. Some informants believed that motorcycle groups actively opposed the primary enforcement law because they believed that its passage could lead to enactment of mandatory helmet laws for adult motorcycle riders. In one case, the State's motorcycle helmet law for adult riders recently had been repealed so the following year the rider groups stayed away from the primary enforcement law debate.

### ***Advocate Strategies: Lack of a Motorcycle Helmet Law***

There was little advocates could say to address this concern, but some States reported delaying the argument on a mandatory helmet law until after the primary enforcement seat belt law was enacted.

- Some advocates argued that seat belt and helmet laws were separate issues and should be considered separately. This argument was not considered by most to be very effective.
- Others recognized the similarities of the two safety use laws, one occupant protection and the other rider protection, but argued that separate legislation was needed to address the two issues.
- In some States, both primary seat belt enforcement and an adult helmet use law were scheduled to be presented in the same session. Advocates learned over the years that the best way to get a primary enforcement law passed was to present it first in the legislative session and present other traffic safety legislation, such as graduated driver licensing and an adult helmet bill, later in the session. They noted that the timing of the presentation and debate of the bills was important to their ultimate success.

### ***Individual Legislators***

In about half of the States, strong and consistent opposition came from individual legislators who had key positions that allowed them to keep the bill from getting a hearing or reaching the floor for a vote. These legislators were committee chairpersons, leaders of the majority party, or influential in State politics. In some cases, this opposition carried over multiple legislative sessions. The actions of one individual in many cases kept the primary enforcement legislation from moving forward despite high levels of support within the overall legislature.

### ***Advocate Strategies: Individual Legislators***

These legislators were generally not swayed by strategies based on public health and safety data. In some cases, it was necessary to wait for the political climate to change or for a leadership change to occur. Some advocates noted that most States had long histories of trying to pass primary enforcement seat belt laws. Part of the advocates' long-term strategy was to work toward getting supportive legislators into positions of leadership or recruiting legislators with more political clout.

- In some States, advocates simply had to wait until the individual legislators who were strongly opposed either left office or stepped down from a leadership position. In one State, committees were reorganized and new leadership emerged that was favorable to passing primary enforcement.
- Some individual legislators were persuaded to let the primary bill through their committee or to support the bill because of the Federal Section 406 program and resulting direct fiscal benefits to the State and to his or her district.
- Advocates in some States repeatedly talked with opposed individual legislators, reemphasizing the bill's benefits. Some informants said that this strategy was occasionally successful.
- In other cases the States accepted that an individual's opposition simply would not change. Instead they focused their attention on other potentially supportive legislators to win their support while waiting for the circumstances to change.
- Lobbyists developed political solutions to the opposition in a few cases. Conversations conducted behind "closed doors" with opposing legislators sometimes resulted in a trade-off opportunity, much as occurs with other legislative bills.

### ***Rural (Farmer) Concerns***

In several States, the rural community strongly expressed concerns that the primary enforcement law would unfairly target farmers using farming vehicles and pickup trucks on rural roadways as they traveled between farmlands.

### ***Advocate Strategies: Farmer (Rural) Concerns***

Advocates recognized that this concern needed to be directly addressed for the primary enforcement bill to be passed. Their strategies included the following:

- Advocates developed information sheets that addressed pickup truck rollover crashes and the injury and death prevention potential of wearing a seat belt. Information was also developed showing the lack of seat belt use and greater crash rates for young men in rural areas and how the primary enforcement law could help prevent death and injury in this high risk group. One State recruited the local 4H Club members to become advocates for the bill in their local community. In another, medical staff from the rural emergency flight services for transporting traffic crash victims was asked to share their unique perspective, which was influential with rural legislators.
- Advocates, particularly law enforcement, talked with representatives of the rural Farm Bureaus and pointed out that the seat belt law only applied on public roadways, so drivers on private farms would not be subject to the law.
- Several States supported an amendment to the primary enforcement bill to exclude farm vehicles registered solely for agricultural use. In these cases, the language of the

amendment was submitted to NHTSA for prior review to ensure that the State's qualification for Federal Section 406 funds would not be jeopardized.

### ***Alcohol Industry***

The alcohol industry expressed some opposition to primary enforcement in a few States. The main concern was that a primary enforcement law might negatively impact businesses that served alcohol because customers might get pulled over for a seat belt violation and end up being cited for alcohol-impaired driving. One informant described the issue as a general opposition response to the Mothers Against Drunk Driving (MADD) organization that was actively supporting primary enforcement.

### ***Advocate Strategies: Alcohol Industry***

The action from the alcohol industry tended to be early in the primary enforcement legislative process and usually was not sustained. This may have been an effort to gauge support for opposing the bill. In the end, the alcohol industry did not play a significant role in any State either supporting or opposing the primary bill.

- In one State, advocates wrote letters to local newspaper editors that included discussion of the alcohol industry's opposition to the primary enforcement bill and identified legislators who agreed with the alcohol industry's position. Their intent was to reveal legislators who were more sympathetic to the alcohol industry rather than being strongly opposed to the primary enforcement bill.

### ***Seat Belt Horror Stories***

Some people opposed primary seat belt laws based on their fear that in crashes involving a vehicle on fire or submerged in water, a fastened seat belt would increase the likelihood of death or injury by trapping people in the vehicle. This myth has nothing to do with how a seat belt law is enforced.

### ***Advocate Strategies: Seat Belt Horror Stories***

Advocates addressed this concern through educational efforts.

- Advocates developed information sheets that showed how infrequently water-submersion and vehicle fire crashes occur when compared to other crash types. Other documents showed how much safer belted occupants were in a crash.
- Subject matter experts testified on this topic to present supporting information.

### ***Existing Law Adequate***

In one State, opponents of the primary bill argued that the existing secondary enforcement seat belt law was sufficient to get people to use belts. They argued that law enforcement could always find another reason for a traffic stop to cite someone for violating the mandatory seat belt use law.

### ***Advocate Strategies: Existing Law Adequate***

This argument was addressed through information and education.

- Advocates cited the numerous studies that have shown that States can expect about a 10 percentage point or greater increase in belt use following a change from secondary to

primary enforcement. They noted the current low seat belt use rate in the State and explained how increasing use of seat belts would reduce fatalities and injuries.

## **Legislative Strategies and Tactics**

In all States, passage of primary enforcement bills occurred over multiple legislative sessions and in some States this history spanned more than a decade. Bill advocates commented that they knew that passing the bill would require multiple sessions. They geared their legislative strategies and tactics based on what they learned in previous sessions and from other States' experiences. The general approach in many States was to compromise when necessary and within reason in order to enact a primary enforcement law that covered occupants of all ages. Thus, some States ended up with low fines for violations (only \$10 in 2 States) and other less than optimal provisions. Some States intend to address these provisions in later legislative sessions. Only one case study State had first accepted a primary enforcement bill that would only apply to people under 18 with the hope that the issue could be raised again. In this case it did eventually happen. More typically this type of compromise was viewed by the States as too difficult to bring up again in future years and might send the wrong message to the public.

The following section discusses a variety of legislative strategies and tactics used by advocates in passing the primary enforcement law in the 10 States in the study.

### ***Choosing the Right Bill Sponsor***

Informants repeatedly noted the importance of having the right legislator (or legislators) sponsor the primary enforcement bill. In all jurisdictions, bill sponsors who had most or all of the following characteristics were considered important to successfully passing the primary law. They were charismatic and well respected in both the House and Senate and were passionate about the primary bill and increasing seat belt use. They had a personal reason for supporting primary enforcement, were of the same political party as the majority, and were politically powerful. In several States, the initial bill sponsor stayed with the issue despite working on it for multiple sessions. In States where racial profiling was a concern, having a bill sponsor who was an African-American also proved beneficial. Some States had dual sponsors. This was a particularly effective strategy if the two sponsors were from different parties or from different houses of the legislature. Table 2 shows information about the party affiliation of the bill sponsor.

### ***Amendments and Coverage Provisions***

A successful tactic used by the first set of States to upgrade from secondary to primary enforcement (Russell et al., 1999) was to draft the primary bill legislation with the same provisions as the existing secondary law, but only changing "secondary enforcement" to "primary enforcement." This tactic was useful in the past because it focused political debate solely on the enforcement provision and was successful in one of the 10 States investigated in this study. Most States required additional amendments to the primary enforcement bill in order for it to pass. In some States, amendments were proposed but later removed prior to the final vote on the bill. The following amendments were the ones most often required for passing primary enforcement:

- An exemption for farm vehicles registered for agricultural use;

- No vehicle search allowed solely on the basis of a seat belt violation stop;
- Require collection of traffic-stop data or a study of the effects of primary enforcement on racial profiling;
- Grace period with warnings (usually 6 months) before primary law takes effect;
- Reduced fines;
- Secondary enforcement at seat belt checkpoints; and/or
- Requirement that the State highway office only receive the minimum amount of funds as provided by the Federal Section 406 program with the remaining funds dedicated to highway purposes.

### ***Committee Assignment and Procedural Steps***

In most States, the bill's assignment to a committee that supported primary enforcement was essential for passage. Some States consistently assigned the primary law bill to a committee that would not hear or allow a vote on the bill. In these States, the bill languished until either the bill was assigned to a different committee or the opposing committee leaders left their roles.

The specific committee where the bill was sent to be heard also played a role in the successful passage of a primary enforcement law. In the majority of case study States, the primary seat belt bill was sent to the transportation committee, which most often hears traffic safety legislation. Other committees also successfully passed out bills. Table 2 shows an overview of committees that handled the primary enforcement bill in each State.

One key informant suggested that future States trying to pass primary enforcement should consider requesting that the bill be referred to a public health/public safety committee and "market" the bill based on its public health impact. The rationale is that in a national environment of increasing concern about escalating health care costs, there may be new support for legislation that can help reduce those costs within the State.

The committee structure and legislative procedural steps varied from State-to-State. The particular complexities of the basic legislative process in an individual State can pose time consuming challenges to the passage of a primary enforcement bill. Most States follow a traditional bill passage process, which begins with referral of the bill to a related committee in one house, debate and voting on the bill within that committee, debate and voting within the entire house membership. If successful, the bill is then sent to the other house where the same process is repeated before being presented to the governor for consideration. The legislative process is more complex in some States. In one State, a single joint committee hearing on a bill is held for both houses; the bill is then referred to each house for voting. While in another State, the bill is referred to multiple committees in each house, thus requiring multiple hearings and votes before finally being presented for a vote by the full house membership. The process can introduce additional challenges or expedite the timeframe.

<b>Table 2: Legislative committees that handled primary seat belt bills</b>			
<b>STATE</b>	<b>BILL NUMBER</b>	<b>COMMITTEE OF BILL PASSAGE</b>	<b>PARTY AFFILIATION OF BILL SPONSOR</b>
Alaska	SB87	<b>Senate</b> State Affairs, Judiciary <b>House</b> State Affairs, Judiciary	Republican
Arkansas	SB78	<b>Senate</b> Transportation, Technology & Legislative Affairs <b>House</b> Public Transportation	Democrat
Florida	SB344 / HB1	<b>Senate</b> Judiciary, Transportation <b>House</b> Roads, Bridges, & Ports Policy	Democrat
Kentucky	HB86 / HB117	<b>Senate</b> Health & Welfare <b>House</b> Transportation, Health & Welfare	Democrat, Republican
Maine	SP22, LD 24, 1	Joint Standing Committee on Transportation	Republican
Minnesota	HF108	<b>Senate</b> Transportation <b>House</b> Finance, Public Policy & Oversight, Ways & Means	Democrat
Mississippi	HB409	<b>Senate</b> Judiciary <b>House</b> Transportation	Democrat
South Carolina	A147, R159, S1	<b>Senate</b> Transportation <b>House</b> Education & Public Works	Democrat, Republican
Tennessee	HB3104 / SB2606	<b>Senate</b> Transportation, Finance, Ways & Means <b>House</b> Transportation, Finance, Ways & Means	Democrat, Republican
Wisconsin	AB113 / SB120	<b>Senate</b> Transportation, Tourism & Insurance <b>Assembly</b> Transportation	Democrat, Republican

### ***Committee Testimony***

Testimony played a role in passing primary laws in every State. The mix of witnesses varied somewhat by State, but most States used a combination of the following:

- An emergency medicine or health care expert who provided testimony on lives saved through seat belt use and increased health care costs of unbelted injured occupants, often using data from his or her health care facility.
- A first responder who provided eyewitness testimony about unbelted vehicle occupants in crashes.
- A law enforcement officer who provided testimony on police professionalism, racial profiling, and crash reconstruction.
- An individual with a personal story related to nonuse of belts. This was often a family member of someone who died in a crash while unbelted or a crash victim who believed that they survived because they wore their seat belt.
- An advocate who was familiar with the committee interests and membership who could tailor the testimony to address their key concerns.



Testimony specifically addressed concerns that arose during the legislative process in many States. For example, in States where racial profiling was a concern, experts often testified on this topic. Some legislators were interested in knowing how other States handled certain issues and outside experts were brought in to testify on these issues.

The focus of testimony varied among the States. Several chose to highlight the injury prevention and health care saving aspects of the primary enforcement bill. These States allotted more witnesses and greater time for emergency medicine and health care testimony and generally scheduled it before testimony from others such as law enforcement and State agency representatives.

Most States carefully considered whether to use testimony from Federal agency representatives. Many informants commented that Federal witnesses were often seen as not understanding the unique culture and issues of the State and were, therefore, ineffective. Although representatives from Federal agencies did provide testimony in some States, some informants felt that testimony from Federal agencies might even have a negative effect on passing a primary enforcement law.

### ***Outreach to Legislature***

In every State, advocates organized extensive outreach to individual legislators mainly led by lobbyists, coalition members, and individual legislators. Several States conducted a systematic outreach process, whereby they matched individual legislators with an advocate with a similar background, experience, and/or constituency. The advocate met the legislator, lobbied for the bill, and monitored the legislator's votes, opinions, and testimony. Several informants commented that emotions played a greater role than facts in getting some opposed legislators to support the primary enforcement bill. For States in which racial profiling was a concern, outreach to the State's Black Caucus was a particularly effective strategy in overcoming this concern. Finally, in one State, informants noted that the Secretary of the US Department of Transportation contacted the opposed legislators. These informants thought that this form of outreach was an effective way to get these legislators to change their opinion.

Advocates in all States put together reports, fact sheets, and other syntheses of information for legislators. The efforts addressed a variety of topics including:

- Current seat belt use rates;
- Fatality rates for various groups (e.g., children, rural areas, unbelted);
- Expected increases in seat belt use and corresponding lives saved after primary enforcement;
- Expected reductions in health care costs (Medicaid impacts);
- Public support survey results; and
- Racial profiling data.

In some cases, advocates customized material for individual legislators, such as periodically providing lists of the names and ages of all unbuckled fatalities that occurred in their district.

### ***Lobbyists***

No informant remembered a paid lobbyist working in opposition to the primary enforcement bill in any State. Nearly all States, however, had one or more paid lobbyists working to pass the primary bill. These lobbyists were employed by a number of organizations including the AAA, ABC Campaign, Alliance of Automotive Manufacturers, National Safety Council, American Academy of Pediatrics, State Farm Insurance, hospital and other medical associations, and various local organizations. Although lobbyists engaged in a variety of activities, most focused primarily on talking with individual legislators, working at the committee level and monitoring the votes on the legislature floor. Lobbyists in several States coordinated statewide advocacy efforts; convened strategy meetings; and kept advocacy groups updated on bill progress. Informants overwhelmingly thought that lobbyists played a key role in passing primary enforcement in the States where they were working.

Some SHSO staff remarked that they were limited in what they could do to promote the primary enforcement bill because of the lobbying prohibition placed on them by Federal law. In most cases, these staff members were familiar with their State's political process, the involved legislators, and the pertinent issues regarding primary enforcement. Thus, while well qualified to lobby for the primary bill, they were unable to do so. In a few cases, SHSO directors were able to directly lobby and testify because they were not covered by Federal or State law restrictions.

### ***Political Negotiation***

Passage of the primary law was a political process in most States, particularly because of the Section 406 incentive funding program. Compromise was an important component. In one State, the primary enforcement bill was combined with two other unrelated bills and passed as a single omnibus bill. The sponsors of all three bills became the omnibus bill sponsors and no single legislator's name was attached to the primary enforcement portion of the bill.

### **Role of Media**

States differed in how they engaged the media, the type of media they selected, and the level of media coverage they wanted in support of the primary enforcement bill. One State deliberately did not reach out to the media to keep the issue under the public's "radar screen." In general, when actively recruited, the role of the media was to present impartial information regarding the primary enforcement bill and legislative process to both the public and State legislators. Media was asked to inform the public of the bill and its benefits to the State (including the potential for Section 406 incentive funds), identify legislators who supported and opposed the bill, describe expert and lay opinions on the bill, and so on. Equally important however, was that media was used to inform legislators about public support of the bill. States used traditional media to get information out to the public and to legislators about the primary enforcement bill. Some States included electronic media.

- *Newspaper and Print Media.* Most States used this type of media extensively. Advocates in States wrote press releases, held press conferences, wrote letters to the editor, drafted op-eds, spoke directly to reporters, informed newspaper editors of important events (hearings, votes, rallies, school events, etc.), sent victim statements to newspapers, encouraged newspapers to write in-depth articles and include seat belt use information

when reporting motor vehicle crashes. In order to increase the chances of media coverage at press conferences and other events, advocates in some States invited dignitaries such as mayors or city councilpersons to attend the events. Some newspapers took it upon themselves to conduct public polls about the primary law, to publish a series of articles on crashes and seat belt use, and to develop and publish editorial cartoons supporting the use of seat belts. In one State, a major newspaper journalist took interest in the primary enforcement bill and published a series of articles on the law, the legislative process and voting outcomes, and the potential benefits of primary enforcement. This reporter was seen by both the public and legislators as covering the issue in a fair and unbiased way, and was credited by many as being a key element in the successful passage of the law.

- *Television.* States held press events and actively solicited television reporters and cameras to help promote seat belt use and high visibility enforcement mobilizations. One State used paid television advertisements to support the use of seat belts to generate public interest and acceptance of increasing seat belt use. These tactics helped to keep the topic of seat belt use in the news. An investigative reporter produced an 8-minute television news piece on the value of seat belts in preventing death in rollover crashes in one State. This reporter investigated several crashes in the State, provided life-story details of crash victims, examined the vehicle passenger compartments to show how they were still intact after the rollover crash, and concluded that all of the victims likely would have survived the crash if they had been belted to prevent ejection from the vehicle.
- *Radio.* Many States used radio news reports in the same ways as print and television media. In several States, talk radio hosts opposed the primary enforcement bill, but their reasons were unclear. Some informants postulated that radio hosts may have taken this position to generate more controversy rather than because it reflected the positions of reporters. The tactic backfired in one State when legislators and the general public expressed concern about the unfair way the bill's sponsor was treated on air. The show host made an apology.
- *Billboards and Roadway Signage.* This form of paid media was used sporadically in States and not specifically to garner support for the legislation. Prior to the introduction of the primary enforcement bill in the legislature, one State put up roadway signage statewide with both a "buckle-up" message and a message that troopers were writing seat belt violation tickets. The purpose was to garner public support of and familiarity with seat belt enforcement in general. Respondents in that State believed that the campaign indirectly resulted in increased public support for a primary enforcement law. Most advocates reported that this type of media was generally used after passage of the primary enforcement law to publicize the enforcement message.
- *Internet.* Advocates and opponents in most States used the Internet to exchange information with the public and legislators. Many legislators had Web sites that discussed their positions on primary enforcement. Some legislators conducted polls on their Web sites to gauge their constituents' opinions on the primary enforcement bill. Nearly all groups involved in the process, including governmental agencies, civil rights groups,

advocate groups, non-profit agencies, and businesses had Web sites that discussed the status of the primary enforcement bill. One nonprofit organization with a large membership set up a Web site that allowed members to easily send messages to their legislators about the primary bill. One informant commented that more than 1,000 contacts with legislators were made through this Web site. Other organizations engaged in orchestrated e-mail campaigns that informed members about the primary enforcement bill and encouraged them to act in support of the bill by contacting legislators and reporters.

## **Federal funding**

The purpose of the Section 406 Safety Belt Performance Grants program is to encourage States with secondary belt laws to enact and enforce primary seat belt laws. Because wearing a seat belt is the quickest and least expensive way to reduce death and injuries from motor vehicle crashes, Congress included a \$498 million State incentive grant program in the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to increase seat belt use (Federal Register, 2006).

States without primary laws could qualify for the grant money in two ways. First, the State could enact a primary belt law by June 30, 2009.<sup>1</sup> The law had to meet certain criteria to be eligible for funds. For instance, if a law had an exemption for pickup trucks, it was not eligible. Another way for a State to receive funds was to maintain a seat belt use rate of 85% or higher for two consecutive years between 2006 and 2008 (Federal Register, 2006). One case study State had qualified for Section 406 funding under this second provision and could not then use this argument for the bill because the majority of the incentive funds had already been received. For this State, the prospect of sharing in some additional residual incentive funds was mentioned but was not as important a factor as in the other States. See Table 3 for the amount of Federal funding available for each case study State.

SAFETEA-LU stipulated that each State that received a Section 406 grant must expend at least \$1 million of those funds for safety activities and that the grant funding could be used for any highway safety-related purpose, including rebuilding highway infrastructure and other behavioral traffic safety projects.

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<sup>1</sup> Note that the program has been continued beyond that date as Congress continues to work on reauthorization.

<b>Table 3. Section 406 Seat Belt Performance Grants (in millions)</b>	
Alaska	\$3.7
Arkansas	\$9.5
Florida	\$35.5
Kentucky	\$11.2
Maine	\$3.7
Minnesota	\$15.2*
Mississippi	\$8.7
South Carolina	\$10.5
Tennessee	\$14.7
Wisconsin	\$15.2

\*Minnesota qualified for its incentive funds prior to passing primary by having a qualifying belt use rate for two consecutive years under a secondary belt use law.

### **Overall impact on assisting with passage of primary laws**

Several key informants believed that the Federal funding incentive had a profound impact on the passage of primary enforcement laws with the legislatures rather than the public. The opportunity to receive Federal Section 406 funds was a point in nearly every State’s debate. Given that the money had been available for several years before many of the case study States were able to pass the primary law, it is reasonable to conclude that money alone was not enough to entirely sway legislative decisions on this matter.

### **Economic climate of each State**

The status of the economy played an important part in the debate surrounding the Federal incentive funds. In some States the money became more important when the State itself developed severe fiscal problems. Several informants from the 10 case study States indicated that their State had been in a budget crisis and was looking for money to alleviate the deficit. This put pressure on the legislature because voting against the bill would have meant sacrificing funds that could have brought the budget more into balance. Another informant reported that there was always a shortfall in the budget and this made the argument for a primary enforcement law more persuasive due to the money that could be gained.

## **Provision of guaranteed funds for State roadway projects**

The Section 406 Safety Belt Performance Grants program specified that funds could be used “for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems” (Federal Register, 2006). Because funds could be used for State roadway projects, the money was appealing to States and legislative transportation appropriations committees that were in need of resources to rebuild highways and infrastructure. Without the extra funds, local road projects in particular would fall further down the list of priorities. While these funds may not have been the deciding factor for many legislators, it gave them another reason to consider voting in favor of the law. One State was described as being particularly watchful for any potential source of Federal funds, so the Federal incentive fund program was a significant factor in passage of their primary enforcement law.

In two States, the primary enforcement debate and the prospect of increased Federal funds coincided with a catastrophic event that caused significant damage to the State’s highway infrastructure. The unique need for a quick infusion of transportation dollars helped to fuel support and passage of the primary enforcement bill in order to qualify for the Federal incentive funds.

## **Timing within the incentive program deadline**

Section 406 grant funds were initially available to States that passed a conforming primary seat belt law by June 30, 2009. If a State did not enact a law by this time, it was to become ineligible to receive Section 406 funds. A handful of States used the Section 406 program’s original deadline to urge the legislature to pass the law. Key legislators told their peers to seize the opportunity because the funding guarantee would soon run out. Several informants believed that the deadline made the legislature take the issue more seriously as millions of dollars would be gone if they did not pass the law. The argument proved to be very helpful as several States passed the primary law in the initial final year of funding.

## **Potential negative effect of Federal incentives**

In a few States, the existence of the Section 406 grant program seemed to backfire as a supporting argument, as some legislators viewed it as Federal interference in a States’ rights issue. A few legislators suggested that the incentive funds looked like a bribe from the Federal government. Several key informants reported that these same legislators who expressed their displeasure of the Federal government’s “bribe”, often sought Federal funds after the law was passed.

## **Summary of Effective Strategies**

Each case study State accomplished the goal of passing primary enforcement legislation using diverse activities. Throughout the course of each State’s efforts, advocates needed to identify the methods that had the most influence in their State to obtain the votes needed to pass the law. The following section outlines effective strategies that multiple key informants believed to be instrumental when making an effort to pass a primary seat belt law. While many of these

methods were touched on throughout the report thus far, this section provides an overview of what was considered most important by key informants.

### **Active partnership with minority-based universities and organizations**

Several jurisdictions entered into partnerships with minority-based universities and organizations as a way to connect with the public and especially with legislators who had concerns over racial profiling. Meharry Medical College worked with multiple States to promote primary enforcement legislation. Because of its reputation and experience, Meharry was a credible resource and was able to assist with multiple tasks. To further bolster its national efforts, Meharry created the “seat belt champion award” to recognize minority legislators who sponsored or were significantly instrumental in the passage of a primary enforcement law in their State. The purpose of the award was not only to recognize the individual’s leadership but also to publicize minority legislators’ active support for primary enforcement laws to legislators in other States. Jackson State University, another historically Black university, participated in supporting primary enforcement activities. Informants believed researchers from Meharry and Jackson State did a great job of working within the minority community to show the positive safety impacts of the bill. They also helped secure the support of the Black Caucus in several States.

### **Coordination of coalition and lobbying activities**

Coalitions and lobbyists worked closely together to obtain broad-based support from both the public and the legislature. Key informants reported that coalitions were often more helpful in generating support with the public and lobbyists were more helpful with the legislators. Coalitions and their supporters provided grassroots backing in local communities while lobbyists stationed at the capitol talked directly to legislators and addressed their concerns. With multiple advocates working the issue, there needed to be clear and consistent messaging from all groups to keep the message simple and focused and avoid confusion among the public and legislators. Timing was also an important component. Interested groups and persons were notified regularly about the various activities and were encouraged to time their independent activities to coincide with the stages of legislative progression.

Another reason it was important to have coalitions and lobbyists working together was to draw on the specific strengths of each group. For example, coalition members were prepared to answer technical questions and provide data to the lobbyists who were able to provide the information to the legislators at the appropriate time.

### **Grassroots activities and communication**

Grassroots efforts were an essential element of the passage of primary laws in certain States. It was important to have local organizations and individuals actively involved to avoid the issue being portrayed solely as a government initiative advanced by State agencies for revenue reasons. Coalition leaders often facilitated grassroots activities that were not necessarily located within the same area as the majority of the members. Constant e-mail communication allowed various organizations and groups across the State to stay connected while working on the primary law. E-mail blasts were often sent daily to keep coalition and grassroots members

apprised of the progress of the bill and the events taking place at the capitol as well as around the State. Web sites were developed that contained fact sheets, frequently asked questions, data, key messages, and member lists which were all available electronically.

*Capwiz* was an innovative tool that was used to cultivate grassroots campaigns and mobilize constituents to communicate with their legislators. This software was added to the coalition's Web site and allowed individuals to easily generate and e-mail a letter to their district legislator. Key informants believed that these letters greatly influenced some legislators' decisions.

### **Key champions**

Enacting a primary enforcement seat belt law in every case study State would not have been possible without the hard work and dedication of several individuals. Each jurisdiction had a group of key champions who were committed to the issue and they remained undeterred even after unsuccessful attempts. Several champions had a personal experience and were passionately involved with this issue. Others may not have had a specific experience to point to, but their personal interest in saving lives kept them inspired and continued to work until success was achieved. Informants identified individual champions as being particularly instrumental in leading the effort.

### **Leveraging the cost of health care/Medicaid/insurance**

A principal element in the discussion about the benefits of having a primary seat belt law is the cost of health care associated with motor vehicle crashes. Select States used CODES (Crash Outcome Data Evaluation System) data to educate the legislature about the cost of motor vehicle crashes. CODES data provide information on the health outcomes associated with motor vehicle crashes, and can identify the difference in health care cost of crashes involving belted and unbelted occupants (NHTSA, 2010d). State-specific medical and financial information generated by CODES can demonstrate the expected savings, in terms of decreased health care costs and injury severity, to taxpayers with the adoption of specific traffic safety legislation (NHTSA, 2010d). The argument is that if there are fewer injuries and fatalities, then there are lower costs for the Medicaid system. Thus, adoption of a primary belt law reduces or at least prevents a tax increase and could save millions of dollars in direct medical costs.

In one instance, an emergency room doctor brought the hospital bills of two people involved in motor vehicle crashes to a committee hearing. One of the patients was wearing a seat belt and the other was not. The doctor placed both bills on the table, with the belted patient's bill being only a few pages and the unbelted patient's bill being a thick stack of paper. The doctor let the legislators know that Medicaid covered the unbelted patient. This testimony made the argument for a primary belt law more tangible and appealing to fiscally conservative legislators.

### **Multi-year efforts**

It was not uncommon to see a State work for 10 years or more to upgrade to primary enforcement. Of the 10 case study States, none passed primary seat belt legislation in only one year. Informants said that the reason the law finally passed could not be explained by taking only



the prior year into account. It was an accumulated effort; with incremental progress made annually that eventually lead to the successful passage of the law.

### **National and regional comparative data**

While State specific data were important and preferred for working with legislators, data that compared a case study State with other States in the region and the nation were also helpful. Several informants expressed their displeasure with a record of high motor vehicle fatalities rates and low seat belt use rates within their State as compared to other States. A variation on this viewpoint was that a State did not want to be in the minority of States without a primary enforcement law. Comparative data sometimes put a competitive spin on the argument to upgrade to primary enforcement when States saw that they were not doing as well as those around them.

Maps distributed to some State legislatures showed the geographic location of States that had enacted a primary enforcement law as well as the momentum of those pending. One viewpoint is that when one or several States in a region achieve primary enforcement status, it may influence legislatures in nearby States to take similar action.

### **Order in which bill is introduced**

The order in which a bill is introduced can have an impact on how legislators decide to vote, especially if a mandatory motorcycle helmet law is also brought to the legislature during the same session. A strategy learned through previous attempts suggests that primary belt legislation needed to be heard before mandatory helmet legislation. Those who argued against mandatory helmet laws typically asked why the State should have a primary seat belt law if citizens do not have to wear helmets.

Another example was a State that had first passed a bill to fund a multimillion dollar statewide trauma care system. After committing millions of State dollars to treat injuries, most of which resulted from traffic crashes, legislators considered it prudent to pass a bill that would mitigate serious injuries from occurring in the first place.

Informants from another State believed it was important to introduce the bill in the first month of the legislative session during a year just prior to an election year.

### **Overcoming the opposition of individual legislators**

Because legislators in leadership positions sometimes have the unique ability to prevent a bill from ever going up for a vote, it is important to address the individual issues of each legislator. Lobbyists and coalitions attended to the issues that were expressed by individual legislators and matched supporters with the legislators based upon their background, experience and constituency. After establishing initial support for the law lobbyist and coalition attention shifts to gathering enough votes to pass the law. Key legislative leadership needs to support the bill, or at least not oppose it.

### **Packaging bill with other health and safety initiatives**

One State packaged the primary seat belt bill with other health and safety initiatives. This approach allowed for multiple bill sponsors, making the bill a bipartisan effort and encouraging legislators to look beyond party lines. It was also a way to get support from legislators who did not necessarily support primary enforcement seat belt legislation, but did support another portion of the proposed bill.

### **Participation of victims' families and crash victims**

Families of unbelted crash victims were often involved in primary seat belt grassroots organizations. In some instances, non-profit foundations were created in honor of the victim. These foundations worked to raise awareness of traffic safety issues and supported the primary bill by coordinating grassroots activities in their hometown. Crash survivors testified before the legislature in several States and sent written statements to the legislature. In some States, legislators gave personal testimony about family members or close friends involved in fatal crashes. Crash survivors told their stories to the media and public at events throughout the State. Several key informants believed that taking personal, moving stories to the public and legislature helped to “give a face to” the law, and showed how important it is to have a primary belt law. One State named the enacted primary enforcement law in honor of the victims who had become the “face” of the initiative. Another State named the primary law in memory of the deceased previous SHSO director who had worked for many years to build support for primary enforcement legislation.

### **Putting Section 406 incentive funding into State's proposed budget package**

An intentional tactic one jurisdiction used was to place the Section 406 grant money into the State's proposed budget package for the upcoming year. The governor was looking to bring more revenue to the State from the Federal government and saw the Section 406 program as one way to accomplish this goal. Having the incentive funds in the budget gave cover to legislators who could say they voted in favor of the primary law to support the overall budget and not because of the policy. Legislators who did not support the primary enforcement bill had to find a way to replace the projected revenue from the incentive funds that would be lost if primary enforcement legislation did not pass. The timing of this tactic was also helpful as it fell very close to the expected expiration of the Section 406 Federal incentive funding program.

### **Readiness when the “planets align”**

Many informants noted that at some point the “planets aligned” (also described as “the perfect storm”) and it was the right time for the primary enforcement bill to pass. Exactly how the “planets aligned” in each State differed, but many referred to the following factors: change in key leadership in the legislature; newly elected governor who supported the law; new bill sponsor; highly publicized, particularly tragic fatal traffic crash, usually involving unrestrained teenagers; budget crisis; available Federal incentive funding; and favorable public opinion. Several informants believed the public was becoming accustomed to the idea of mandatory seat belts, especially younger drivers who had grown up with child safety seat laws. As acceptance of

the idea increased, some legislators felt comfortable moving the bill forward. It was important for advocates to be ready to act quickly when these opportunities arose.

### **Trade-offs**

Compromise is an integral component to the political process. Primary law bill proponents used several different trade-offs successfully in the legislative process. Several States added amendments to bills to address opposing legislators' issues, often at last minute to allay the concerns of one or two legislators. Although the authors of the bill had not intended to include this language, they agreed to reasonable amendments if it meant securing the votes of those legislators. An amendment, however, did not guarantee the individual's vote. In one instance, a single legislator drafted an amendment to address a very specific issue and it was attached to the bill. The legislator, however, did not vote in favor of the bill.

In a couple of States where Section 406 incentive funds played a major role in political negotiations, language was written into the bill about the manner in which the funds could be spent. Legislators wanted to assure that most of the money would go to roadway projects and infrastructure. The added language allowed legislators to vote in support of the bill on the grounds that the additional funding would be used to improve roadways, with hopes that some of the money would be used in their district.

Another trade-off some States added was to provide for a low fine and/or no court costs for violations. This tactic was sometimes taken to get bills passed with the hopes of increasing the fine later. In one instance, the fine was reduced and court costs removed from what was already in place for the secondary law. Some legislators felt that most people would more easily accept the law if it was not seen as punitive. A related strategy was to delay enforcement of the new law to allow time for the public to become aware of it. Several jurisdictions called for a six month moratorium, a period of verbal warnings only before officers began issuing citations.

None of the case study States included a "sunset" provision in the law, or a date on which a law would expire unless amended. A few of the first States that upgraded to primary law had used this approach to win over unsure legislators. The rationale was to give the policy a trial period. If problems occurred the law could be allowed to expire. If the law was successfully implemented and resulted in increased seat belt use, then it could be amended to remove the sunset date.

### **Working with paid lobbyists**

Several States employed a lobbyist, which proved to be a successful strategy. Paid lobbyists were able to make obtaining a primary belt law their number one priority. Because they were hired specifically for this issue, perhaps with other issues as well, they were able to devote extensive amounts of time to the cause. Lobbyists are not restricted in terms of talking to legislators like Federally funded officials are, and were able to meet one-on-one with legislators to ask for their vote. They could address legislator's concerns directly and proved to be essential to garnering support within the legislature. Where paid lobbyists were not available, several States turned to State agency lobbyists to work with the legislature on behalf of the issue.

Lobbyists from several different State departments were named by many case study States as being active, including those from public safety, State police, transportation, and public health agencies.

## **Conclusions**

Most States had attempted to pass primary laws over the course of many years and each used a unique combination of advocates and strategies in the year the law passed. Despite the variations in their approaches, there were common efforts and themes.

### *Understand the unique political situation in the State*

Each State used a unique combination of legislative strategies—no single strategy was effective in any State. Success in passing the primary enforcement seat belt bill depended on supporters and advocates knowing and addressing: key legislators and what would influence their vote on the bill; the governor’s agenda and how it might influence the bill’s success; legislative experience with prior traffic safety bills; and proper timing for introducing the bill. One reason for the long legislative histories of primary seat belt bills in these States was that advocates and supporters spent time learning about the unique political situation in the State.

### *Identify and effectively respond to opposition arguments*

Opposition of the primary seat belt law was neither strong nor organized in any State. The strongest opposition was from legislators who argued that primary enforcement amounted to government infringement on individual rights or that the law would lead to racial profiling in its enforcement. By identifying and understanding opposition arguments, supporters in every State could develop strategies, identify opportunities to present counterarguments, and develop acceptable compromises.

### *Engage a broad-based network of organizations and individuals*

In each case study State, advocates from different backgrounds with different expertise supported the primary enforcement seat belt bill. Having the ability to draw on such a diverse group greatly strengthened support of the bill as every side of the debate could be covered by an individual or group with expert knowledge in a relevant field. A broad-based network was necessary to generate support from both the public and the legislature.

### *Leverage the Section 406 Safety Belt Performance Grants Program*

The availability of Section 406 incentive funds was a persuasive argument in the effort to enact a primary enforcement seat belt law. While the importance of the grant money varied by State, the prospect of obtaining the grant money was always a point of discussion. Whether a State was experiencing a dramatic budget crisis, or simply thought the extra money would benefit the State, the availability of the funds made the argument for enacting a primary enforcement seat belt law more compelling.

### *Utilize paid lobbyists when making an effort to pass a primary enforcement law*

States that were able to employ one or more lobbyists had advocates that were specifically hired to work on passing a primary enforcement seat belt law and therefore, were able to devote most or all of their time to this effort. Having direct, daily contact with the legislature allowed

lobbyists to form relationships and to quell legislators' concerns. Lobbyists could monitor the legislature and use their resources to address any issues that may impede a successful attempt at passing primary legislation.

#### *Reach out to the media*

States in the study used media in a variety of ways, to both inform the public and inform legislators of public opinion of the primary enforcement bill. Some States did not engage media directly, while other States actively enlisted the media to play an integral role in passing the bill.

#### *Recognize that passing primary enforcement may take several years*

Passing a primary enforcement seat belt law in each of the 10 case study States did not occur in the course of only one year. The process of formulating a strategy, recruiting the appropriate network of advocates, developing supportive materials, and addressing issues within the legislature tended to take several years. Many informants had altered their original plan and decided to take a different approach following unsuccessful attempts at enacting a primary enforcement law. Although unsuccessful attempts were discouraging, advocates learned from the experience, which formed the foundation to generate another push for primary enforcement. Informants believed that advocates' dedication, commitment and perseverance over multiple years led to the eventual passage of a primary enforcement seat belt law in many States.

#### *Present the primary bill in terms of a public health bill rather than a transportation bill*

Many States effectively passed the primary enforcement bill by focusing on the public health benefits of the law (lives saved and reductions in health care costs). For example: one State linked the bill to the development of a statewide trauma system that the legislature had passed into law the previous year; another state packaged the bill with two other public health related bills; and several other States purposely marketed the bill based on its public health benefits. Many States also effectively used the first-responder and health care communities to provide testimony and advocate for the law.

#### *Use a variety of legislative techniques to pass a primary law*

One of the main challenges of passing primary seat belt legislation is figuring out what strategy works best to secure legislators' votes. Many States made reasonable compromises to the language of the bill in order to enact a primary enforcement law that covered occupants of all ages. This strategy alone did not work in all States, nor did it work to change the votes of some legislators who adamantly opposed the law on philosophical bases. A variety of other techniques had to be used to gather support such as: lowering fines and eliminating court costs; placing the Section 406 funds into the proposed budget; and packaging the primary enforcement seat belt bill with other safety initiatives.

#### *After implementation of a primary law*

A common theme noted by several States was that after implementation of the primary law, they did not encounter public backlash as might have been expected. In fact, prior opposition to the bill vanished, the public generally accepted the new law, and the media reported positively on the subsequent increase in seat belt use and the lives saved within the State. This information may be encouraging for States that have struggled for several years to upgrade to a primary enforcement seat belt law.

A number of States have attempted to pass a primary enforcement law using many of the same strategies, and some have worked diligently for multiple years on the effort. Section 406 funds were available to all States that had not yet passed primary, but not all States took advantage of the funds. Until the remaining States enact a primary enforcement seat belt law, it will be quite difficult for the United States to reach a national belt use rate that is comparable to many other developed countries.

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## **Appendix A: Interview Guide**

# Interview Guide

Adapted from Russell, Dreyfuss, and Cosgrove (1999)

Name:

Phone No.:

Title:

Location:

Organization:

Date of contact:

Interviewer(s):

## I. Background of project

NHTSA-sponsored project to examine the most recent States to upgrade their secondary belt laws to primary enforcement.

Assurance of confidentiality: No one's comments will be identified in the report. Information will be summarized in an overview of legislative history. Other information will be summarized on an issue basis and will not be State specific.

## II. Interviewee's Perspective and Role

Can you give me a general sense of what the public sentiment was regarding primary belt law passage when this bill was introduced?

Probe: General population supportive? Hostile? Did not know/Indifferent?

How did you come to that perception? (e.g., based on polling data/personal experience)

Was there an impact or influence of public sentiment?

What was the key impact or influence of public sentiment?

What role did you play in the legislative change from secondary to primary law status in [name study site]?

Probe: Organization's role(s)

Individual's role(s)

What resources did you mobilize to support your position?

Probe: Infusion of funding

Time

Communications

What did the communications consist of? For example: ads emphasizing polling data supporting/rejecting argument for safety belt use and enforcement?

Calls to action for supporters of view?

What resources did you mobilize to counteract the other side's position?

What do you think could have been effective but that you didn't or couldn't do - e.g., for lack of resources; availability; knowledge

Anything else you would do differently?

What would you advise others to do to:

- generate support for passage?
- generate opposition to passage?

For interviewees that opposed the law:

Why did you oppose the law?

What would have influenced you to not oppose the law, or to become neutral toward the law?

Were you given direction from a national parent organization or another group/organization?

Did anyone reach out to you during the law debate or after the law enactment to consult about the law implementation to address your concerns?

How do you feel about the effect of the law after passage and implementation? Should anything have been done differently with implementation of the law?

### **III. Perception of Key Players**

Who would you identify as the key players -- and their positions -- in that legislative change? (Unaided)

Key players

People

Organizations

Probe: Supporters of the change  
Opponents of the change

Who were your key allies?

Who else provided support?

What coalitions formed to pass the law?

Did the different coalitions - on the same side of the issue - work together?

Why or Why not?

How well did they work together?

How did the coalitions work at different points in the legislative process?

Who were the leaders? What made them effective?

Probe: Beyond charisma - organization skills, diplomacy, negotiation skills,  
public speaking?

Focus on individual component: For each of the above

Probe: What arguments in support of their view were used?

How did they communicate their view?

What approaches did they use?

Probe: Stress obstacles and conflicts and how they were overcome

How did the other side react to that approach?

How effective do you think that approach was?

What do you think could have made their effort more effective?

Persuasive? Cheaper? Faster?

Do you think there were more effective ways to counteract their opposition or handle legislative obstacles?

How was the opposition vulnerable?

#### **IV. Perception of Key Events Leading to Primary Law**

Sequence of events: overview of legislative and social history

Prior failures to pass

Critical events in eventual passage

Committee process - coalition building - fund-raising - hiring lobbyist

What changes took place in the process that led to the bill's successful passage?

Probe for the relative importance of each of the following:

Grass roots organization efforts (from either perspective)?

Incident? High profile crash?

Charismatic leader - either legislatively or organizationally?

Do you perceive that the process was more "bottom up" or "top down" in terms of building support for the primary bill?

Were there any brochures or publications specifically developed to assist in promoting passage of the primary law?

Was a letter writing campaign to legislators organized by any of the groups?

## **V. Perception of Key Obstacles to Passage**

What were the challenges or obstacles you typically faced in generating support for or opposition to the passage?

How did you address those obstacles?

What ways did you find effective in addressing those obstacles or barriers?

What other challenges did you see - Who faced those challenges? How were they handled?

What trade-offs did you make to get legislation passed/stopped?

Were there trade-offs made in the legislative language that was used?

Probe: Lower fines

Exemption of vehicle class (e.g., pickup trucks)

Other and seemingly unrelated bills (traded language)

Sunset provisions

Exclusion of backseat occupants

No points assigned

No safety belt defense for insurance claim reductions

Racial profiling reporting or training requirements

How were these compromises reached?

If a compromise was made in the final language of the primary law, what was the rationale for accepting less than the originally intended amendment?

## VI. Aided inquiries regarding roles of components

These areas will likely emerge in the discussions above - if not, probe:

### A. Role of Key Legislators

Sponsors of the bill in the House and Senate Legislative leaders  
(supporters of the bill/opponents of the bill)

Were there any specific - or special - characteristics of the State legislature that had an impact on the strategies/obstacles or success of the legislation

### B. Role of Key Grassroots Organizations

### C. Role of NHTSA/Governmental Support

e.g., NHTSA Headquarters Staff  
Click It or Ticket (CIOT)  
Regional Office  
sSTEP  
NTSB – Did they testify?

### D. Role of lobbyists

Was there a leader among the lobbyists?  
Were lobbyists from the State and local level only or did national lobbyists become involved?  
Funding sources and perspectives  
Ability to work with grass roots organizations

### E. Role of Media

What role did the media play in the process?  
How effective was the media? In what way?

What role could the media have played?  
How might you have brought that about?  
Are there certain media do's or don'ts that you note for others involved in the process?

### F. Role of community activists

Police  
Insurance companies  
Medical community  
MADD  
Traffic Safety Committees  
Safe Community Coalitions  
Others

## **VII. Federal Funding Incentive**

What effect did the Federal Section 406 incentive grant program for States with primary safety belt laws have on the Legislature? The Governor?

Was it a positive or negative effect?

If the incentive had no effect, why? (e.g., not enough money, rejection to Federal influence, other?)

## **VIII. Referrals**

Most of this should have been picked up in the above discussion of key people and organizations, but probe:

Who else do you think it's important for us to talk with? Why them?

Probe: key roles and perspectives

Are there any clip files, testimony records, or other key documents that would help strengthen this legislative history?







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