



### The Dori Slosberg and Katie Marchetti Safety Belt Law

By Thornton J. Williams, Williams Wilson PA

As the 2009 Legislative session comes to a close, the Legislature this year took up a number of safety bills to ensure the healthy and protection of the general public. One such bill is Senate Bill 344, cited as the “Dori Slosberg and Katie Marchetti Safety Belt Law,” sponsored by Representative Nan Rich. SB 344 amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and front seat passengers.) A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine, plus administrative and court costs. On April 29, 2009, the bill passed both the House and Senate, and was approved by Governor Christ on May 6, 2009. This act shall take effect on June 30, 2009.

There are two types of safety belt laws: primary and secondary. Primary (standard) enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer simply observes an unbelted driver or passenger. Secondary enforcement means that a citation for not wearing a safety belt can only be written after the officer stops the vehicle or cites the offender for another infraction.

In 1986, the Legislature enacted the “Florida Safety Belt Law.” In Florida, all passengers in the front seats must have a seat belt properly secured. In addition, all passengers under the age of 18 in the back seat must also have their seat belts properly secured. Specifically, Section 316.614, F.S., currently provides for primary enforcement of the safety belt law for all passengers under the age of 18 years and secondary enforcement of the safety belt law for operators and front seat passengers over 18 years of age. Similarly, the child restraint requirements of s. 316.613, F.S., are enforced as a primary offense. The law requires all children 5 years of age and

younger being transported in a motor vehicle to be restrained in a carrier, integrated car seat, or seat belt. SB 344 would now allow enforcement officers to stop motorists solely for not using their safety belts (primary enforcement).

According to the National Highway Traffic Safety Administration (NHTSA), safety belts saved over 12,000 American lives in 2001. However, during this same year, nearly two-thirds (60 percent) of passenger vehicle occupants killed in traffic crashes were unrestrained. Moreover, NHTSA reported that primary safety belt laws have a proven track record of increasing safety belt use and are much more effective than secondary laws, because people are more likely to buckle up when there is a risk of punishment attached to the act.

NHTSA cited that in June 2002, the average safety belt use rate in States with primary enforcement laws was 11 percentage points higher than in States without primary enforcement laws. (Safety belt use was 80 percent in primary law States versus 69 percent in States without primary enforcement.) Additionally, NHSTA reported in its May 2008 study that 26 states and the District of Columbia currently have primary enforcement of safety belt laws. All of the states ranked in the top five have primary enforcement of seat belt laws.

Specifically in Florida, according to an April 2008 study by the NHTSA Florida had a seat belt usage rate of 79.1 percent in 2007 and has increased the seat belt usage rate by 13.8 percent since 2001. However, Florida is still below the national average of 83 percent and is ranked 35th in seat belt usage.

Under the proposed law, those not subject to the safety belt law include:

- Persons certified by a physician as

- having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous;
- Persons delivering newspapers on home delivery routes during the course of their employment;
- Front seat passengers of a pickup truck in excess of the number of safety belts installed;
- Employees of a solid waste or recyclable collection service on designated routes during the course of their employment;
- Persons occupying the living quarters of a recreational vehicle or the space within the body of a truck used for the storage of merchandise.

In addition, the requirements of this section do not apply to motor vehicles that are not required to be equipped with safety belts under federal law.

On a national level, because SB 344 conforms to criteria set by a 2005 federal incentive grant program adopted as a way to encourage states to adopt primary enforcement of seat belt laws, the passage of the bill may qualify Florida to take advantage of the federal grant offered to states passing primary enforcement safety belt laws. The potential grant could be as high as \$35 million.

Undoubtedly, given Florida’s on-going budget crises and an unstable economy, the federal safety belt incentive program is an excellent way to ensure Floridians’ safety while providing an additional source of funds to assist Florida. ■

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