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Policy Issue: **Advantages and concerns about changing Rhode Island seat belt law from “secondary” to “primary”.**

Current Rhode Island Legislation: ~31-22 Secondary seat belt law that allows the police to ticket a driver only when the car is pulled over for some other infraction (e.g., speeding, running a red light).

Legislation in Other States: Thirty-one states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands have primary seat belt laws. Primary seat belt laws allow police to pull over a car and cite the driver for not wearing a seat belt. Eighteen (18) states have secondary laws (New Hampshire has no seat belt law).

Rhode Island Seat Belt Use Data: In 2010 Rhode Island seat belt use (RIDOT Seatbelt Use in RI Report) was 78%. This was the second year of increasing compliance. In 2009 Rhode Island seat belt use (NHTSA data) was 75%. Rhode Island rates continue to lag behind the national average of 85% (2010). Fifteen (15) States had usage above 90% (2009).

Use by Race in States with Primary and Secondary Seat Belt Laws:

- Seat belt use in states with primary seat laws was 18% higher among blacks and 15% higher among whites when compared with rates of use in secondary seat belt law states.
- Differences in seat belt use are most marked among young drivers (16-29) and those over 50 years old regardless of type of law.
- **Nathaniel C. Briggs (Meharry Medical College) notes that “...the passage of primary seat belt laws, in conjunction with provisions or companion legislation to monitor and prevent racial profiling, appears to be justified given the possibility that we can achieve racial parity in motor vehicle crash mortality rates.”**
- Data on the effect of primary seat belt legislation on racial profiling is available now in those states that have legislation and data collection in place:

1. The ratio of minority drivers stopped to the minority driving population has improved each year in Illinois. That is, the percentage of minority drivers stopped by the police is getting closer to the estimated driving population.
2. Louisiana's passage of a primary law, in combination with Mississippi's failure to do so, was associated with a significantly lower Black: White motor vehicle crash mortality disparity in Louisiana, and reciprocally, a significantly higher Black: White motor vehicle crash mortality disparity in Mississippi.
3. Limited data do suggest that motorists who are members of minority racial/ethnic groups are more responsive to the enforcement of primary laws than their white counterparts.

RI Crash Data - Leading Cause of Death for Black and Hispanic Rhode Islanders:

1. Injury -- motor vehicle crashes and intentional injury (homicide and suicide) combined -- is the leading cause of death for non-Hispanic Blacks and Hispanics ages 1-59. Motor vehicle crashes being the most prominent for this age group.
2. For Whites ages 1-59, the two leading cause of death are cancers and heart disease.
3. Motor vehicle crashes are the leading cause of death for non-Hispanic Blacks, Hispanics, and Whites ages 1-44. Homicide is the second leading cause of death for Blacks and Hispanics in this age group. Cancer is the second leading cause of death for Whites in this age group.

- **Black and Hispanic children suffer the most:**

1. Motor vehicle crashes are the leading cause of death and injury to African American children ages 0-14.
2. Black and Hispanic children are almost 3 times as likely to be killed in motor vehicle crashes.

- **Children follow their parents' example:**

1. Crash analysis has established the relationship between child restraint use and adult seat belt use. If a driver is buckled, children passengers are buckled 87% of the time. Belt use for children drops to 24% for children if the driver does not use a seat belt.
2. African American teens are only half as likely to buckle up as whites and Hispanics.

Estimated benefits of passage of a primary law for all Rhode Islanders

1. Forty percent (40%) of those who are non-seat-belt users will become seat belt users following a change to a primary law (NHTSA estimate).
2. RI could expect to save at least \$553,000 for injuries prevented alone on its medical costs. The total savings to all payers would be approximately 2.3 million (NHTSA estimate if law had been passed in 2008).
3. Passage of a primary seat belt law may have the unintended effect of eliminating racial disparities in mortality. Studies indicate that African Americans are more sensitive than Whites to the enforcement of primary laws and are more likely to increase belt use when states shift from secondary to primary (Insurance Institute on Highway Safety).

Black and Hispanic Groups that Support Primary Seat Belt Laws:

- National Black Caucus of State Legislators
- Council of National Black Churches
- National Urban League
- National Organization of Black Law Enforcement Executives
- National Hispanic Medical Association
- National Council of La Raza
- Hispanic American Police Command Officers Association
- African Americans in primary seat belt law states favor primary law 3:1 (74% favor, 22% oppose).

Groups that Oppose Primary Seat Belt Laws:

- **In Rhode Island (and other states) the ACLU and minority group members have opposed the passage of a primary seat belt law on the basis that it does not address reducing racial profiling.**

Racial Profiling and Primary Seat Belt Legislation In Rhode Island:

- Two Northeastern University studies (2003, 2005) show that non-white drivers are pulled over and their vehicles searched disproportionately when compared to whites.
- Since those studies Rhode Island DOT has received National Highway Safety Administration funding. As a requirement of funding, DOT and its partners must work on legislation that requires collection and publication of all motor vehicle stops and develop new approaches to eliminate racial profiling in the state. The renewable grant (if legislation is passed) provides funding (4 years) for police training, data collection, and public education.

Bottom Line:

- **Non-use of seat belts is a public health problem that differentially affects non-whites.**
- **Primary seat belt use increases between 8% and 17% with the passage of a primary law and eliminates disparities in buckling up.**
- **Seat belt use can reduce the differences in death and injury rates between whites and non-whites in motor vehicle crashes and reduce suffering, and loss of income.**
- Racial profiling needs to be addressed through appropriate legislation with or without a primary seat belt law.

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9. Lee, Silas III. Study of 1,100 African Americans and Seat Belt Use (1999).
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For more information contact Rhode Island Department of Health, Violence & Injury Prevention Program at 401-222-7627.