

# Safety Belt Enforcement in Tennessee

Annual Report to the  
Tennessee General Assembly



Gerald Nicely, Commissioner

April 2006

**Safety Belt Enforcement in Tennessee  
Annual Report to the Tennessee General Assembly  
in Compliance with Tennessee Code Annotated § 55-9-603**

*Executive Summary*

This report contains a study conducted for the Tennessee General Assembly in compliance with *Tennessee Code Annotated* § 55-9-603 (k), to supply data collected for the previous five (5) years relating to violations of the Safety Belt Usage law. Chapter 893 of the “Public Acts of 2004” changed Tennessee’s law relating to safety belt usage in passenger vehicles, from a “secondary” to a “primary” use law effective July 1, 2004. Included in the Public Act was a requirement for the Tennessee Department of Safety to file an annual report by March 1 of each year to the 104<sup>th</sup>, 105<sup>th</sup>, and 106<sup>th</sup> sessions of the General Assembly. The report is to “include the number of persons cited for violations of this section, their race, ethnicity, sex, age, and any other information the department deems relevant.”

In compliance with this legislative directive, the Tennessee Department of Safety’s Research, Planning & Development Section reviewed various data from the *Driver History, Trooper Ticket, and Crash Analysis Reporting System* databases. Since Tennessee does not have a statutory uniform citation law, statewide data is not available on the number of citations issued by all law enforcement agencies for traffic violations.

A review was conducted of all “convictions” reported to the Department’s Financial Responsibility Division by court clerks, for fiscal years 2000-2001 through 2004-2005. Due to delays in reporting convictions to the Department, and posting convictions to the Driver History file, the data is more complete utilizing fiscal year (FY) information, rather than calendar year (CY) information for both statewide convictions and Tennessee Highway Patrol-issued citations. However, the safety belt convictions contained in the Driver History file include only those convictions reported to the Department of Safety by the court clerks. Traffic crash restraint usage by vehicle occupants is also based upon fiscal year data. However, given the significant delay in processing and keying crash reports, crash data contained in this report since 2003 is considered preliminary.

Statewide safety belt convictions reported to the Department of Safety (all agencies) decreased from 36,978 in FY 00-01 to 32,145 in FY 04-05, a 13.1% decrease. In FY 04-05, adult drivers between the ages of 25-34 represented approximately 26.8% of all those convicted. White adult males were the most frequently convicted in all five (5) years, representing 56.6% of all adult drivers and 80.1% of adult male drivers in FY 04-05. African-American males were the next highest group convicted, representing 10.5% of all adult drivers and 14.9% of adult male drivers in FY 04-05.

Of all adult drivers, males were the prominent sex convicted, with 70.6% in FY 04-05 compared to 28.7 % for females (196 or 0.6% of convictions were reported with no sex listed). White females were most often convicted of the female adult drivers, with 83.6% in FY 04-05. The next highest was African-American (black) females representing 14.2% of adult female drivers.

In FY 04-05, adult passengers convicted of safety belt violations represented only 4.5% of all safety belt convictions reported to the department. Generally over the five-year period, adult passengers followed the same percentage distributions for sex (gender) and race (ethnicity).

Citations issued by commissioned officers of the Tennessee Highway Patrol were analyzed for fiscal years 2001-2002 through 2004-2005. Although printed citations used by Troopers have contained sex and race for several years, these data elements were not keyed to the Trooper Ticket database until FY 2001-2002. As a result, this report will contain only four years of data involving sex (gender) and race (ethnicity) in regards to THP-issued citations.

Tennessee Highway Patrol citations issued for safety belt violations decreased from 49,914 in FY 00-01 to 29,023 in FY 03-04, then increased in FY 04-05 to 48,620. From FY 00-01 to FY 04-05, Trooper citations issued for these violations decreased 2.6%. Adult drivers between the ages of 25-34 were the most frequently ticketed group throughout the five-year period, averaging approximately 28%.

In FY 04-05, of all adult male drivers white males received 83.5% of Trooper citations. Of all adult drivers, white males received 62.9% of THP-issued citations. African-American (black) males were the next highest group with an average of 10.2% of all male drivers and 7.5% of all drivers. Hispanic males received 4.2% of THP-issued citations for male drivers and 3.2% of citations for all drivers.

The National Highway Traffic Safety Administration (NHTSA) funds Safety Restraint Usage Surveys each year in every State and U.S. Territory, through the various Governor's Highway Safety Offices. The results are analyzed and published by the National Center for Statistics and Analysis (NCSA). The NCSA established uniform survey criteria, and data analysis methodologies to ensure each state and territory's data were comparable.

In the November 2004 *Traffic Research Facts - Research Note* published by the NCSA, Tennessee was specifically mentioned. The report said, "Tennessee strengthened its belt law to a "primary" enforcement law, effective July 1, 2004. This State saw a jump in use from 68.5% in 2003 to 72.0% in 2004. This trend continued in 2005 with Tennessee's safety belt usage rate increasing to a high of 74.4%. Tennessee's survey results indicated an overall increase of 15.4% over the five-year period from 2000-2005 (59.0% to 74.4%). We expect usage rates to continue to increase as a result of targeted enforcement efforts and the implementation of the primary enforcement provision of the current law.

Ultimately, laws governing the use of seat belts are intended to help reduce fatalities and injuries on Tennessee roads. Therefore, traffic crash data has also been examined and submitted in this report. Caution must be used when reviewing crash data, since FY 03-04 and FY 04-05 data are not complete. This is the result of a new crash database and process being implemented in late 2002, which has caused delays in keying data, and some problems with the quality of the data for these periods. However, one fact is known: over the last five years more than 67% of vehicle occupants fatally injured in Tennessee traffic crashes, are still not restrained!

During the five-year period, police reported safety restraint usage by vehicle occupants in traffic crashes increased. In FY 99-00, police reported that 9.0% of vehicle occupants involved in traffic crashes were not restrained. This percentage decreased through FY 03-04 to 5.5%. In FY 04-05 the percentage not restrained increased to 5.9%, however this data is still preliminary and represents only about 1/3 of all crashes that occurred in Tennessee. When comparing FY 00-01 to FY 04-05, the numbers indicate a reduction in all injury categories for the percentage of unrestrained drivers: No Injury 6.1% to 3.6%; Possible Injury 15.1% to 7.3%; Non-Incapacitating Injury 27.4% to 16.4%; Incapacitating Injury 47.7% to 32.1%; and, Fatal Injury 74.5% to 62.1%.

Study results suggest that safety belt usage has risen significantly over the past five (5) years, while the number of statewide convictions and THP-issued citations have fluctuated but remained steady. In conviction and Trooper citation data, age, race, and sex appear to maintain stability in the proportion of each across the study period. There does not appear to be any signs of profiling in the enforcement of this law, based upon age, race, or sex.

## **Background**

The Tennessee General Assembly passed Chapter 893 of the “Public Acts of 2004” that among other things, changed Tennessee’s safety belt usage law from a “secondary” to a “primary” enforcement law. This change was effective July 1, 2004, and now allows law enforcement officers to stop a vehicle and issue a safety belt ticket to a driver or passenger in a passenger vehicle (up to 8,500 pounds gross vehicle weight rating). Previously, a vehicle had to be stopped and a citation issued for another offense, before an officer could issue a ticket for a safety belt violation.

Also included in Chapter 893 was an addition to *Tennessee Code Annotated* § 55-9-603, known as a new subsection (k), that requires the Tennessee Department of Safety to file an annual report that contains safety belt ticket data for the previous five (5) years. This report must contain safety belt ticket data that includes the age, race (ethnicity), sex, and other information on persons receiving such tickets.

This study and report complies with this requirement, but extends beyond the basic information and data analysis. We also reviewed data from the National Highway Traffic Safety Administration’s National Center for Statistics and Analysis, and Tennessee traffic crash data for the previous five (5) years.

## **Scope and Approach**

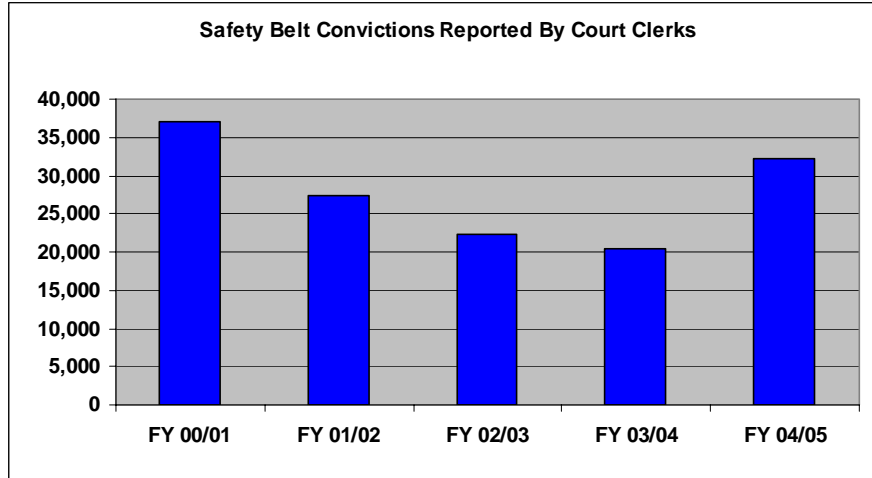
Tennessee does not have a statutory mandated Uniform Traffic Citation program. This means that traffic tickets issued by local law enforcement officers are not reported to a central state database. The only statewide ticket information available is that of citations issued by the Tennessee Highway Patrol. The Trooper Ticket database contains information on each citation issued by State Troopers. Data for this report from the Trooper Ticket database was limited due to the fact that race (ethnicity) and gender (sex) data were not keyed to this database, until sometime in 2001. Therefore, the “ticket” portion of this report will contain data involving race and sex for a four-year period. Overall THP citation data and data involving age will be included for the five-year period as required in Chapter 893.

The only available data on convictions for safety belt violations comes from the Driver History database and includes all law enforcement agencies. When courts “convict” drivers of traffic offenses, court clerks are required to report convictions to the Department of Safety. A majority of the clerks report convictions as required by law. However, please note that the safety belt convictions contained in the Driver History file include only those convictions reported to the Department of Safety by the court clerks.

The General Assembly authorized the Department of Safety to include other relevant information about safety belts. This report includes information on surveys of safety belt usage rates as reported by NHTSA’s National Center for Statistics and Analysis as well as usage of safety belts by occupants of vehicles involved in traffic crashes as reported by law enforcement officers throughout the State.

## Safety Belt Convictions

Safety belt convictions reported by the court clerks to the Department of Safety, were analyzed to determine the numbers and percentages by driver/passenger, age, race (ethnicity), and gender (sex).

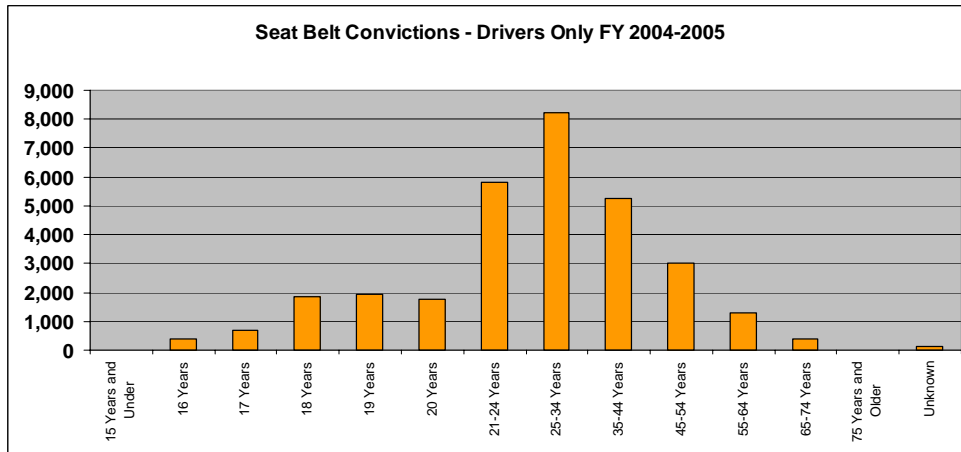


### *Type*

In each year, the overwhelming majority of seat belt convictions were for drivers, and we can make the assumption that drivers were ticketed at comparable rates as the convictions. Over the past 5 years over 95% of seat belt convictions each year were for drivers, with the percentage of convictions for passengers increasing each year from 2.2% in FY 00-01 to 4.5% in FY 04-05. (Table 1)

### *Age*

In each year over 62% of the drivers convicted were between the ages of 21-44. There was a slight decrease in the percentage of drivers age 21-44 convicted over the five-year period from 65.5% in FY 00-01 to 62.7% in FY 04-05. In contrast, drivers between the ages of 15-24 saw an increase in convictions rising from 37.6% in FY 00-01 to 40.5% in FY 04-05. Of adults age 25 and older, drivers between ages 25-34 represented the highest percentage of convictions with an average of approximately 28% over the five-year period.



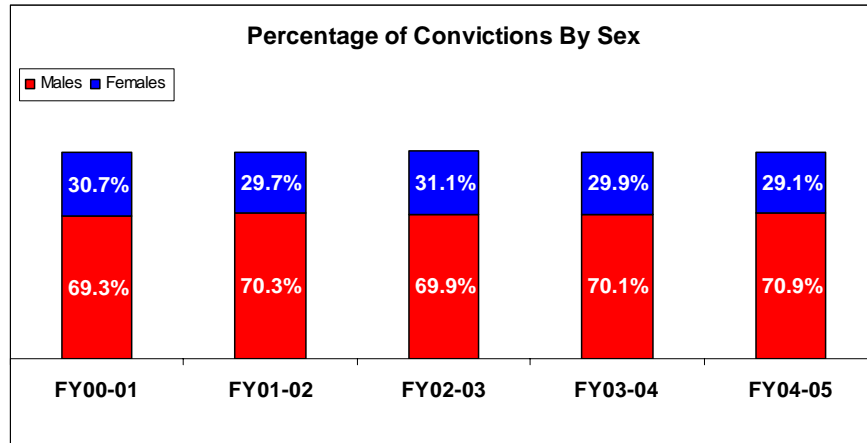
**Safety Belt Convictions Reported by Court Clerks  
Table 1**

	FY 00/01		FY 01/02		FY 02/03		FY 03/04		FY 04/05	
<b>Seat Belt - Driver</b>										
15 Years and Under	12	0.03%	6	0.02%	8	0.04%	6	0.03%	16	0.05%
16 Years	239	0.66%	170	0.64%	148	0.68%	125	0.63%	382	1.24%
17 Years	749	2.07%	552	2.07%	449	2.07%	369	1.87%	671	2.19%
18 Years	1,499	4.15%	1,131	4.24%	843	3.88%	860	4.35%	1,853	6.04%
19 Years	2,165	5.99%	1,555	5.83%	1,307	6.02%	1,233	6.24%	1,928	6.28%
20 Years	2,276	6.30%	1,518	5.69%	1,293	5.95%	1,153	5.84%	1,785	5.81%
21-24 Years	6,678	18.48%	5,179	19.42%	4,273	19.67%	3,818	19.33%	5,805	18.91%
25-34 Years	10,419	28.83%	7,697	28.87%	6,277	28.89%	5,580	28.24%	8,221	26.78%
35-44 Years	6,600	18.26%	4,655	17.46%	3,685	16.96%	3,450	17.46%	5,244	17.08%
45-54 Years	3,407	9.43%	2,565	9.62%	2,093	9.63%	1,882	9.53%	3,002	9.78%
55-64 Years	1,484	4.11%	1,167	4.38%	945	4.35%	948	4.80%	1,307	4.26%
65-74 Years	489	1.35%	359	1.35%	325	1.50%	257	1.30%	374	1.22%
75 Years and Older	126	0.35%	109	0.41%	79	0.36%	75	0.38%	1	0.00%
Unknown	0	0.00%	0	0.00%	0	0.00%	0	0	110	0.36%
<b>Total</b>	<b>36,143</b>		<b>26,663</b>		<b>21,725</b>		<b>19,756</b>		<b>30,699</b>	<b>100%</b>
<b>Seat Belt - Passenger</b>										
15 Years and Under	2	0.24%	0	0.00%	0	0.00%	1	0.14%	6	0.41%
16 Years	88	10.54%	38	6.05%	28	4.88%	22	3.13%	112	7.75%
17 Years	212	25.39%	75	11.94%	78	13.59%	63	8.97%	171	11.83%
18 Years	125	14.97%	65	10.35%	97	16.90%	67	9.54%	112	7.75%
19 Years	54	6.47%	42	6.69%	54	9.41%	59	8.40%	105	7.26%
20 Years	32	3.83%	30	4.78%	38	6.62%	39	5.56%	82	5.67%
21-24 Years	92	11.02%	94	14.97%	93	16.20%	115	16.38%	253	17.50%
25-34 Years	100	11.98%	124	19.75%	83	14.46%	184	26.21%	297	20.54%
35-44 Years	91	10.90%	103	16.40%	60	10.45%	75	10.68%	174	12.03%
45-54 Years	24	2.87%	32	5.10%	30	5.23%	52	7.41%	93	6.43%
55-64 Years	8	0.96%	21	3.34%	12	2.09%	17	2.42%	34	2.35%
65-74 Years	5	0.60%	3	0.48%	0	0.00%	7	1.00%	6	0.41%
75 Years and Older	2	0.24%	1	0.16%	1	0.17%	1	0.14%	0	0.00%
Unknown	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	0.07%
<b>Total</b>	<b>835</b>		<b>628</b>		<b>574</b>		<b>702</b>		<b>1,446</b>	<b>100%</b>
<b>Overall Total</b>	<b>36,978</b>		<b>27,291</b>		<b>22,299</b>		<b>20,458</b>		<b>32,145</b>	

Source: FY 00-01 through FY 03-04 - Driver History File - January 11, 2005  
FY 04-05 - Driver History File - March 28, 2006

**Sex and Race**

The majority of all convictions reported to the Department were males. In FY 04-05, males represented an average of 70.6% of the drivers convicted, and 65.6% of the passengers. The chart below illustrates the percentage of males vs. females for all convictions reported, both drivers and passengers. Conviction data indicating driver and passenger ethnicity and gender can be found in Table 2.



White males were the predominant sex and race (ethnicity) of both drivers and passengers, and white females were the most predominant race (ethnicity) of both the female drivers and female passengers. (Table 2)

African-American males represented an average of between 12%-14% of the male drivers convicted each year, from a low of 12.0% in FY 01-02 to a high of 14.0% in FY 04-05. Hispanic males were the next group with a low of 2.0% in FY 00-01 increasing each year to a high of 3.9% in FY 04-05.

White females represented more than 83% of the female drivers, with African-American females averaging 14% of the female drivers.

**Safety Belt Convictions Reported by Type, Gender, and Ethnicity  
Table 2**

	FY 00/01		FY 01/02		FY 02/03		FY 03/04		FY 04/05	
<b>Seat Belt - Driver</b>										
<b>Female</b>	<b>10,964</b>	<b>30.3%</b>	<b>7,772</b>	<b>29.1%</b>	<b>6,390</b>	<b>29.4%</b>	<b>5,735</b>	<b>29.0%</b>	<b>8,816</b>	<b>28.7%</b>
Asian	41	0.4%	18	0.2%	17	0.3%	22	0.4%	26	0.3%
Black	1,593	14.5%	1,072	13.8%	877	13.7%	825	14.4%	1,253	14.2%
Hispanic	98	0.9%	90	1.2%	67	1.0%	70	1.2%	118	1.3%
Indian	19	0.2%	21	0.3%	13	0.2%	17	0.3%	13	0.1%
White	9,162	83.6%	6,537	84.1%	5,394	84.4%	4,777	83.3%	7,366	83.6%
Other	51	0.5%	34	0.4%	22	0.3%	24	0.4%	40	0.5%
<b>Male</b>	<b>25,045</b>	<b>69.3%</b>	<b>18,788</b>	<b>70.5%</b>	<b>15,201</b>	<b>70.0%</b>	<b>13,897</b>	<b>70.3%</b>	<b>21,687</b>	<b>70.6%</b>
Asian	110	0.4%	69	0.4%	62	0.4%	57	0.4%	118	0.5%
Black	3,186	12.7%	2,259	12.0%	1,870	12.3%	1,905	13.7%	3,227	14.9%
Hispanic	509	2.0%	511	2.7%	469	3.1%	487	3.5%	845	3.9%
Indian	46	0.2%	32	0.2%	29	0.2%	31	0.2%	43	0.2%
White	21,078	84.2%	15,824	84.2%	12,683	83.4%	11,329	81.5%	17,362	80.1%
Other	116	0.5%	93	0.5%	88	0.6%	88	0.6%	92	0.4%
<b>Unknown Sex</b>	<b>134</b>		<b>103</b>		<b>134</b>		<b>124</b>		<b>196</b>	<b>0.6%</b>
	36,143		26,663		21,725		19,756		30,699	
<b>Seat Belt - Passenger</b>										
<b>Female</b>	<b>261</b>	<b>31.3%</b>	<b>221</b>	<b>35.2%</b>	<b>192</b>	<b>33.4%</b>	<b>255</b>	<b>36.3%</b>	<b>486</b>	<b>33.6%</b>
Asian	1	0.4%	0	0.0%	1	0.5%	1	0.4%	6	1.2%
Black	24	9.2%	27	12.2%	23	12.0%	22	8.6%	53	10.9%
Hispanic	1	0.4%	2	0.9%	3	1.6%	1	0.4%	4	0.8%
Indian	0	0.0%	1	0.5%	0	0.0%	1	0.4%	1	0.2%
White	232	88.9%	190	86.0%	162	84.4%	225	88.2%	419	86.2%
Other	3	1.1%	1	0.5%	3	1.6%	5	2.0%	3	0.6%
<b>Male</b>	<b>569</b>	<b>68.1%</b>	<b>400</b>	<b>63.7%</b>	<b>376</b>	<b>65.5%</b>	<b>445</b>	<b>63.4%</b>	<b>948</b>	<b>65.6%</b>
Asian	4	0.7%	1	0.3%	5	1.3%	3	0.7%	7	0.7%
Black	46	8.1%	46	11.5%	32	8.5%	50	11.2%	118	12.4%
Hispanic	11	1.9%	14	3.5%	12	3.2%	14	3.1%	54	5.7%
Indian	2	0.4%	0	0.0%	2	0.5%	1	0.2%	1	0.1%
White	504	88.6%	337	84.3%	324	86.2%	376	84.5%	761	80.3%
Other	2	0.4%	2	0.5%	1	0.3%	1	0.2%	7	0.7%
<b>Unknown Sex</b>	<b>5</b>		<b>7</b>		<b>6</b>		<b>2</b>		<b>12</b>	<b>0.8%</b>
	835		628		574		702		1,446	

Source: FY 00-01 through FY 03-04 - Driver History File - January 11, 2005  
FY 04-05 - Driver History File - March 28, 2006



### **THP-Issued Citations for Safety Belt Violations**

The chart below illustrates the number of safety belt citations issued by the THP over the last five years. As you can see, in FY 04-05 there was a significant increase in the number of safety belt citations issued. This substantial increase can be attributed to the new “primary” use law that became effective July 1, 2004.

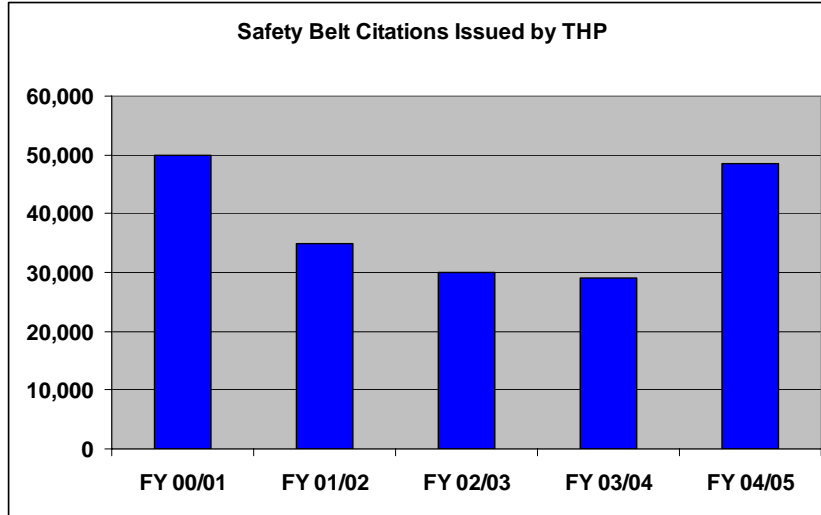


Table 3 shows the number of Trooper citations issued by type (driver/passenger) and age.\*

**Safety Belt Citations Issued by THP**  
**Table 3**

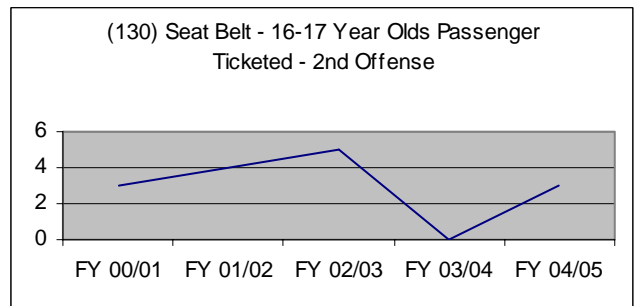
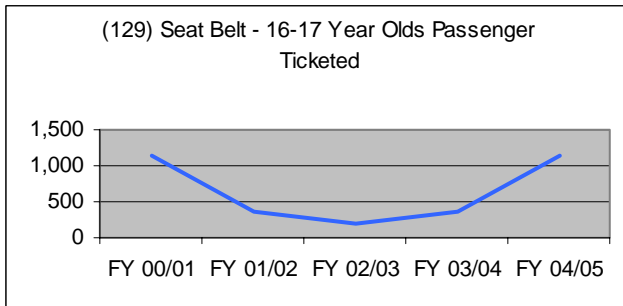
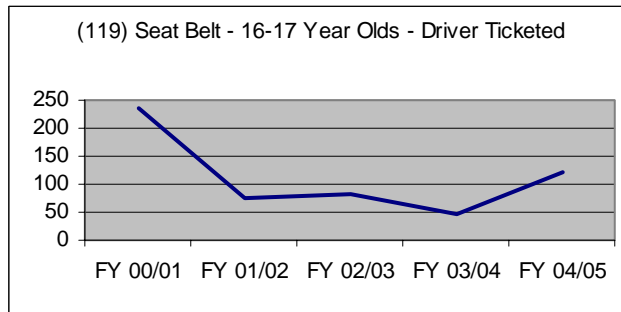
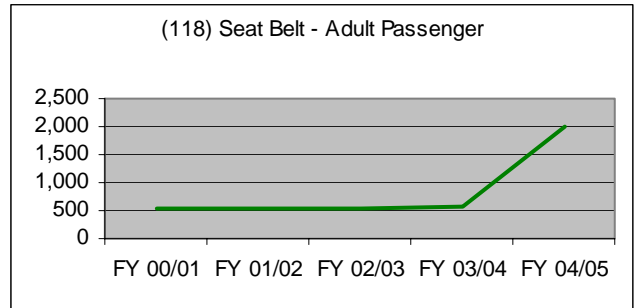
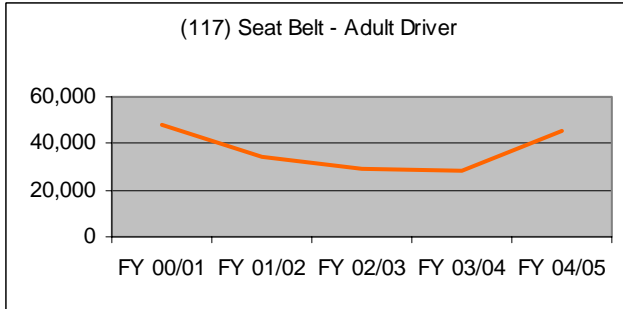
	FY 00/01	FY 01/02	FY 02/03	FY 03/04	FY 04/05
<b>Seat Belt - Driver</b>					
15 Years and Under	44 0.1%	76 0.2%	89 0.3%	84 0.3%	82 0.2%
16 Years	660 1.4%	489 1.4%	524 1.8%	470 1.7%	552 1.2%
17 Years	1,125 2.3%	947 2.8%	968 3.3%	754 2.7%	1,100 2.4%
18 Years	2,606 5.4%	1,797 5.3%	1,491 5.1%	1,474 5.2%	2,356 5.2%
19 Years	2,845 5.9%	1,901 5.6%	1,582 5.4%	1,521 5.4%	2,542 5.6%
20 Years	2,654 5.5%	1,773 5.2%	1,637 5.6%	1,425 5.1%	2,217 4.9%
21-24 Years	8,625 17.9%	6,039 17.7%	5,308 18.2%	5,207 18.5%	7,909 17.4%
25-34 Years	13,768 28.6%	9,694 28.5%	8,186 28.1%	8,039 28.6%	12,698 27.9%
35-44 Years	8,619 17.9%	5,992 17.6%	4,978 17.1%	4,852 17.3%	8,217 18.1%
45-54 Years	4,344 9.0%	3,102 9.1%	2,636 9.0%	2,486 8.8%	4,743 10.4%
55-64 Years	1,775 3.7%	1,363 4.0%	1,152 3.9%	1,138 4.1%	1,974 4.3%
65-74 Years	591 1.2%	426 1.3%	387 1.3%	325 1.2%	612 1.3%
75 Years and Older	200 0.4%	185 0.5%	150 0.5%	176 0.6%	234 0.5%
Unknown	368 0.8%	267 0.8%	93 0.3%	144 0.5%	228 0.5%
<b>Total</b>	<b>48,224</b>	<b>34,051</b>	<b>29,181</b>	<b>28,095</b>	<b>45,464</b>
<b>Seat Belt - Passenger</b>					
15 Years and Under	4 0.2%	4 0.4%	9 1.3%	17 1.8%	52 1.6%
16 Years	418 24.7%	139 15.4%	107 14.9%	136 14.7%	499 15.8%
17 Years	686 40.6%	215 23.8%	137 19.1%	215 23.2%	654 20.7%
18 Years	66 3.9%	49 5.4%	58 8.1%	69 7.4%	218 6.9%
19 Years	57 3.4%	43 4.8%	47 6.5%	43 4.6%	149 4.7%
20 Years	34 2.0%	35 3.9%	37 5.1%	45 4.8%	150 4.8%
21-24 Years	122 7.2%	105 11.6%	89 12.4%	94 10.1%	400 12.7%
25-34 Years	139 8.2%	140 15.5%	95 13.2%	135 14.5%	468 14.8%
35-44 Years	97 5.7%	68 7.5%	75 10.4%	97 10.5%	299 9.5%
45-54 Years	27 1.6%	24 2.7%	47 6.5%	50 5.4%	168 5.3%
55-64 Years	12 0.7%	24 2.7%	15 2.1%	16 1.7%	58 1.8%
65-74 Years	3 0.2%	5 0.6%	1 0.1%	2 0.2%	13 0.4%
75 Years and Older	22 1.3%	5 0.6%	0 0.0%	2 0.2%	4 0.1%
Unknown	3 0.2%	46 5.1%	2 0.3%	7 0.8%	24 0.8%
<b>Total</b>	<b>1,690</b>	<b>902</b>	<b>719</b>	<b>928</b>	<b>3,156</b>
<b>Overall Total</b>	<b>49,914</b>	<b>34,953</b>	<b>29,900</b>	<b>29,023</b>	<b>48,620</b>

Source: Trooper Ticket File - March 31, 2006

\*Note: All citation data contained in the above table has been updated and revised with the most recent data available as of March 2006 and may differ from data contained in previous year's report.

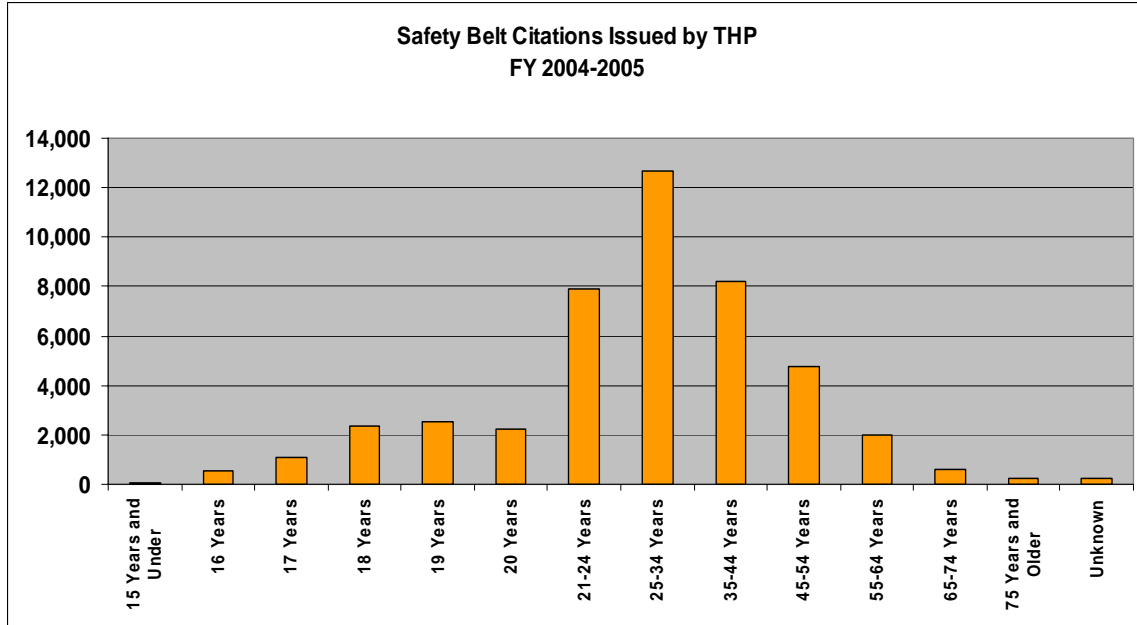
**Type**

Trooper citations followed the statewide conviction pattern with the overwhelming majority issued to drivers. Over the five year period, drivers received an average of 96.4% of all Trooper citations issued. However, when comparing FY 03-04 and FY 04-05, the percentage of citations issued to passengers more than doubled, from 3.2% to 6.5%. Again, this can be attributed to the new safety belt legislation which became effective July 1, 2004. The graphs below illustrate the trends for citations issued by THP over the past five years based on the type of safety belt violation.



### Age

Similar to the pattern of convictions, in each of the last five years, over 63% of the drivers issued safety belt citations by THP were between the ages of 21-44. Drivers between the ages of 15-24 saw a decrease in the number of citations issued by THP from 38.9% in FY 03-04 to 36.9% in FY 04-05. Of adults age 25 and older, drivers between ages 25-34 represented the highest percentage of convictions with an average of approximately 28% over the five-year period.



### Sex and Race

As explained previously, printed paper copies of Trooper citations have contained race and sex for several years, but the Trooper Ticket database did not have this data until 2001. Therefore, this information was available to analyze only from FY 01-02 forward.

Males were ticketed in more than 70% of the drivers, increasing slightly from 74.7% in FY 01-02 to 75.4% in FY 04-05.

Table 4 shows the numbers and percentages of Trooper citations for safety belt violations by type, sex, and race.

Of the male drivers receiving citations from Troopers, white males averaged approximately 83.8% over the four-year period, African-American males averaged approximately 10.2%, and Hispanic males averaged 4.1%.

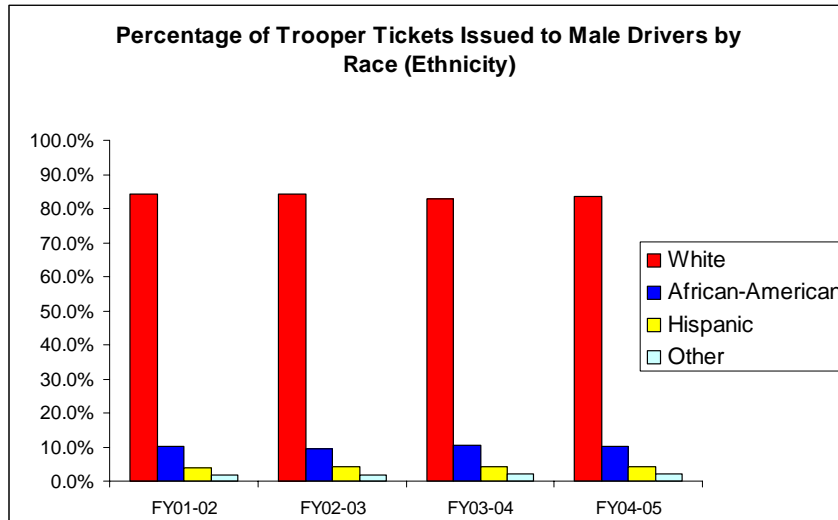
Of the female drivers receiving citations from Troopers, white females averaged approximately 88.4% over the four-year period, African-American females averaged approximately 9.5%, and Hispanic females averaged 0.8%.

**Safety Belt Citations Issued by THP by Type, Gender, and Ethnicity  
Table 4**

	FY01/02		FY 02/03		FY 03/04		FY 04/05	
<b>Seat Belt - Driver</b>								
<b>Female</b>	<b>8,592</b>	<b>25.2%</b>	<b>7,305</b>	<b>25.0%</b>	<b>6,890</b>	<b>24.5%</b>	<b>11,162</b>	<b>24.6%</b>
Asian	7	0.1%	16	0.2%	5	0.1%	9	0.1%
Black	865	10.1%	677	9.3%	704	10.2%	944	8.5%
Hispanic	72	0.8%	58	0.8%	56	0.8%	76	0.7%
Indian	3	0.0%	4	0.1%	2	0.0%	3	0.0%
White	7,535	87.7%	6,463	88.5%	6,050	87.8%	9,994	89.5%
Other	110	1.3%	87	1.2%	73	1.1%	136	1.2%
<b>Male</b>	<b>25,440</b>	<b>74.7%</b>	<b>21,859</b>	<b>74.9%</b>	<b>21,178</b>	<b>75.4%</b>	<b>34,268</b>	<b>75.4%</b>
Asian	41	0.2%	63	0.3%	20	0.1%	51	0.1%
Black	2,597	10.2%	2,103	9.6%	2,241	10.6%	3,486	10.2%
Hispanic	946	3.7%	906	4.1%	907	4.3%	1,448	4.2%
Indian	6	0.0%	5	0.0%	4	0.0%	12	0.0%
White	21,420	84.2%	18,430	84.3%	17,573	83.0%	28,615	83.5%
Other	430	1.7%	352	1.6%	433	2.0%	656	1.9%
Unknown Sex	19		17		27		34	
	34,051		29,181		28,095		45,464	
<b>Seat Belt - Passenger</b>								
<b>Female</b>	<b>238</b>	<b>26.4%</b>	<b>224</b>	<b>31.2%</b>	<b>286</b>	<b>30.8%</b>	<b>1,015</b>	<b>32.2%</b>
Asian	1	0.4%	4	1.8%	0	0.0%	2	0.2%
Black	18	7.6%	16	7.1%	26	9.1%	85	8.4%
Hispanic	2	0.8%	3	1.3%	0	0.0%	10	1.0%
Indian	0	0.0%	0	0.0%	0	0.0%	0	0.0%
White	212	89.1%	195	87.1%	250	87.4%	898	88.5%
Other	5	2.1%	6	2.7%	10	3.5%	20	2.0%
<b>Male</b>	<b>663</b>	<b>73.5%</b>	<b>495</b>	<b>68.8%</b>	<b>642</b>	<b>69.2%</b>	<b>2,137</b>	<b>67.7%</b>
Asian	4	0.6%	12	2.4%	2	0.3%	7	0.3%
Black	45	6.8%	31	6.3%	48	7.5%	216	10.1%
Hispanic	19	2.9%	24	4.8%	22	3.4%	110	5.1%
Indian	0	0.0%	0	0.0%	0	0.0%	0	0.0%
White	586	88.4%	417	84.2%	548	85.4%	1,755	82.1%
Other	9	1.4%	11	2.2%	22	3.4%	49	2.3%
Unknown Sex	1		0		0		4	
	902		719		928		3,156	
	34,953		29,900		29,023		48,620	

Source: Trooper Ticket File - March 31, 2006

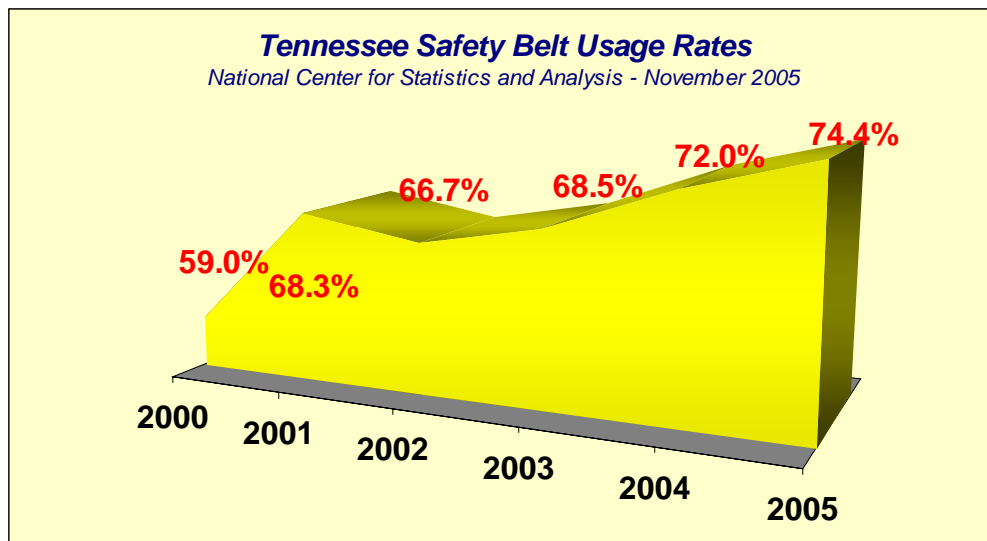
The chart below shows the distribution of Trooper citations issued to male drivers by race (ethnicity).



### **Safety Belt Surveys**

The National Highway Traffic Safety Administration commissions and funds standardized safety belt usage surveys each year in every State and U.S. Territory, through the various Governor's Highway Safety Offices. Results of the surveys are analyzed by the National Center for Statistics and Analysis, and then published in the U.S. Department of Transportation's "*Traffic Safety Facts - Research Note.*"

The chart below shows the survey results for Tennessee for calendar years 2000 through 2005. As a result of the primary enforcement provision that went into effect July 1, 2004, we have had an increase in the usage rate from 72.0% in 2004 to 74.4% in 2005, and expect this trend to continue. A copy of the above-referenced publication can be found as an attachment.

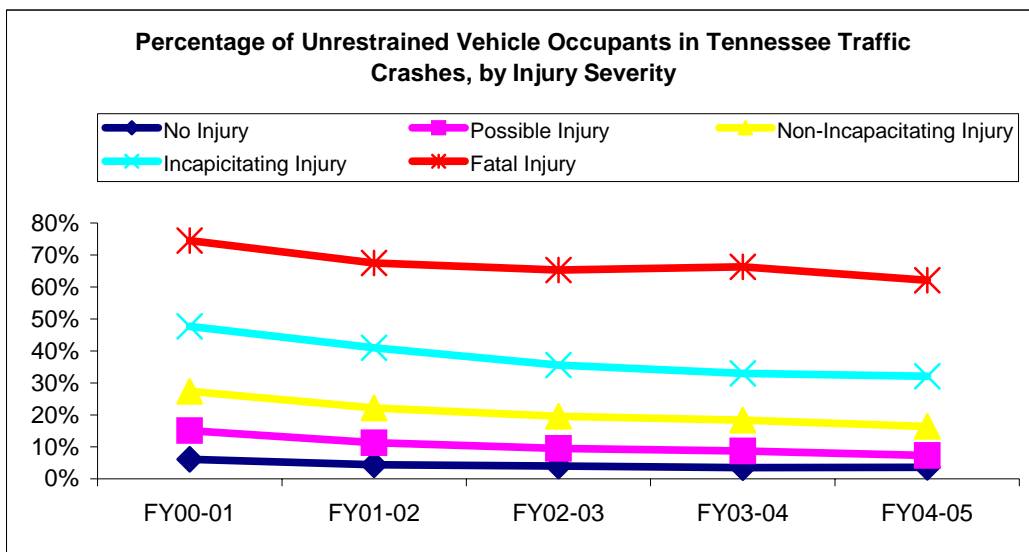


## Tennessee Traffic Crashes

During the five-year period, police reported safety restraint usage by vehicle occupants in traffic crashes increased. In FY 00-01, police reported that 9.0% of vehicle occupants involved in traffic crashes were not restrained. This percentage decreased through FY 03-04 to 5.5%, then increased slightly to 5.9% in FY 04-05.\* When comparing FY 00-01 to FY 04-05, the numbers indicate a reduction in all injury categories for the percentage of unrestrained drivers: No Injury 6.1% to 3.6%; Possible Injury 15.1% to 7.3%; Non-Incapacitating Injury 27.4% to 16.4%; Incapacitating Injury 47.7% to 32.1%; and, Fatal Injury 74.5% to 62.1%. Overall, over the past 5 years the statistics show a continuing increase in safety restraint usage by vehicle occupants involved in traffic crashes.

(Table 5)

\*Final crash statistics for FY 04-05 are not yet available. Figures for FY 04-05 represent approximately 1/3 of all crash records received.



Vehicle Occupant Restraint Usage in Traffic Crashes By Injury Severity  
Table 5

	FY 00/01		FY 01/02		FY 02/03		FY 03/04		FY 04/05		Total	
<b>No Injury</b>												
No Restraint	18,090	6.1%	13,342	4.4%	11,851	4.0%	11,248	3.5%	3,631	3.6%	58,162	4.4%
Restraint	279,134	93.9%	291,854	95.6%	284,473	96.0%	308,813	96.5%	95,981	96.4%	1,260,255	95.6%
<b>Possible Injury</b>												
No Restraint	5,472	15.1%	4,225	11.3%	3,372	9.5%	3,614	8.7%	1,116	7.3%	17,799	10.7%
Restraint	30,857	84.9%	33,052	88.7%	32,005	90.5%	37,934	91.3%	14,204	92.7%	148,052	89.3%
<b>Non-Incapacitating Injury</b>												
No Restraint	5,640	27.4%	4,530	22.2%	3,583	19.6%	3,921	18.4%	1,299	16.4%	18,973	21.4%
Restraint	14,926	72.6%	15,878	77.8%	14,680	80.4%	17,433	81.6%	6,605	83.6%	69,522	78.6%
<b>Incapacitating Injury</b>												
No Restraint	2,368	47.7%	2,029	41.0%	1,827	35.6%	1,942	33.0%	750	32.1%	8,916	38.3%
Restraint	2,601	52.3%	2,924	59.0%	3,309	64.4%	3,941	67.0%	1,587	67.9%	14,362	61.7%
<b>Fatal Injury</b>												
No Restraint	723	74.5%	639	67.5%	558	65.3%	667	66.3%	625	62.1%	3,212	67.1%
Restraint	247	25.5%	308	32.5%	296	34.7%	339	33.7%	382	37.9%	1,572	32.9%
<b>Total</b>												
No Restraint	32,293	9.0%	24,765	6.7%	21,191	6.0%	21,392	5.5%	7,421	5.9%	107,062	6.7%
Restraint	327,765	91.0%	344,016	93.3%	334,763	94.0%	368,460	94.5%	118,759	94.1%	1,493,763	93.3%

Source: Tennessee Crash Reporting System, TennCARS, FARS - March 28, 2006

NOTE: 2003 through 2005 data are preliminary



TN DEPARTMENT OF SAFETY, AUTHORIZATION NUMBER  
349289. THIS PUBLIC DOCUMENT WAS PROMULGATED IN  
APRIL 2006.

*Attachment 1*

***Tennessee Code Annotated §55-9-603***

**55-9-603. Use of safety belts in passenger vehicles - Violations - Penalties - Arrest - Applicability.**

(a) (1) No person shall operate a passenger motor vehicle on any highway, as defined § [55-8-101\(22\)](#), in this state unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(2) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle on any highway, as defined in § [55-8-101\(22\)](#), in this state, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(b) (1) The provisions of this section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(2) If the vehicle is equipped with a rear seat which is capable of folding, the provisions of this section shall only apply to front seat passengers and the operator if the back seat is in the fold down position.

(c) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred pounds (8,500 lbs.) or less, that is not used as a public or livery conveyance for passengers. "Passenger car" or "passenger motor vehicle" does not apply to motor vehicles which are not required by federal law to be equipped with safety belts.

(d) (1) A violation of this section is a Class C misdemeanor. All proceeds from the fines imposed by this subsection (d) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible handicapped individuals as defined in § [49-11-602\(3\)](#) who have been severely injured in motor vehicle accidents.

(2) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of ten dollars (\$10.00) for a first violation, and twenty dollars (\$20.00) on second and subsequent violations to the clerk of the court which has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed.

(3) (A) Notwithstanding subdivision (d)(2) to the contrary, a person charged with a violation of subsection (i) may, in lieu of appearance in court, submit a fine of twenty dollars (\$20.00) to the clerk of the court which has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed.



(B) Notwithstanding any provision of subdivision (d)(1) to the contrary, the revenue generated by ten dollars (\$10.00) of the twenty dollar (\$20.00) fine under subdivision (d)(3)(A) for a person's first conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. The remaining ten dollars (\$10.00) of such twenty dollar (\$20.00) fine for such person's first conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation in accordance with subdivision (d)(1).

(C) The revenue generated from such person's second or subsequent conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation in accordance with subdivision (d)(1).

(e) No clerk's fee nor court costs, including, but not limited to, any statutory fees of officers, shall be imposed or assessed against anyone convicted of a violation of this section. No litigation tax levied pursuant to the provisions of [title 67, chapter 4](#), part 6, shall be imposed or assessed against anyone convicted of a violation of this section.

(f) (1) A law enforcement officer observing a violation of this section shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this section.

(2) The department of safety shall not report any convictions under this section except for law enforcement or governmental purposes.

(g) In no event shall a violation of this section be assigned a point value for suspension or revocation of a license by the department of safety, nor shall such violation be construed as any other offense under the provisions of this title.

(h) This section does not apply to:

(1) A passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt; provided, that such condition is duly certified in writing by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate;

(2) A passenger motor vehicle operated by a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier;

(3) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if such dealership customarily test-drives fifty (50) or more motor vehicles a day, and if such test-drives occur within one (1) mile of the location of the dealership;

- (4) Utility workers, water, gas and electric meter readers in the course of their employment;
- (5) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer;
- (6) A vehicle in use in a parade if operated at less than fifteen miles per hour (15 mph);
- (7) A vehicle in use in a hayride if operated at less than fifteen miles per hour (15 mph);  
or
- (8) A vehicle crossing a highway from one field to another if operated at less than fifteen miles per hour (15 mph).
- (i) (1) Notwithstanding any provision of this section to the contrary, no person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age, shall operate a passenger motor vehicle, or be a passenger therein, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.
- (2) Notwithstanding subdivision (b)(1), the provisions of this subsection (i) shall apply to all occupants between sixteen (16) years of age and eighteen (18) years of age occupying any seat in a passenger motor vehicle.
- (3) Notwithstanding subdivision (f)(1), a law enforcement officer observing a violation of this subsection (i) shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this subsection (i).
- (j) Notwithstanding the provisions of subsection (b), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in this state unless such person and all passengers between the ages of four (4) and seventeen (17) years of age are restrained by a safety belt at all times the vehicle is in forward motion.
- (k) The department of safety shall file a report by March 1 of each year to the 104th, 105th, and 106th general assembly on data collected for the prior five (5) years by the department relating to violations of this section. Such data shall include the number of persons cited for violations of this section, their race, ethnicity, sex, age, and any other information the department deems relevant.

[Acts 1986, ch. 866, §§ 3, 4, 7, 8, 11; 1989, ch. 591, § 113; 1994, ch. 661, §§ 2, 4; 2000, ch. 700, § 3; 2000, ch. 945, §§ 2-4; 2004, ch. 893, §§ 1-5.]

*Attachment 2*

*Traffic Safety Facts – Research Note*  
*November 2005*

*“Safety Belt Use in 2005 – Use Rates in the  
States and Territories”*

# Traffic Safety Facts

## Research Note

November 2005

DOT HS 809 970

### Safety Belt Use in 2005 – Use Rates in the States and Territories

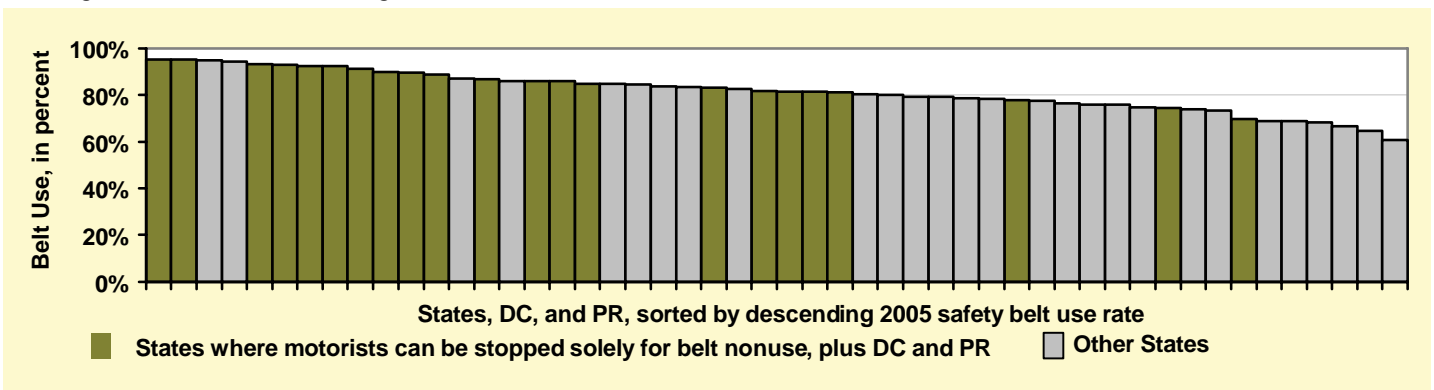
Donna Glassbrenner, Ph.D.

In 2005, safety belt use in the United States ranged from 60.8 percent use in Mississippi to 95.3 percent in Hawaii. These results are from probability-based observational surveys conducted by 50 States and U.S. Territories in accordance with criteria established by the National Highway Traffic Safety Administration (NHTSA) to ensure reliable results. Compliance with the criteria is verified annually by NHTSA's National Center for Statistics and Analysis.

The 2005 surveys also found the following:

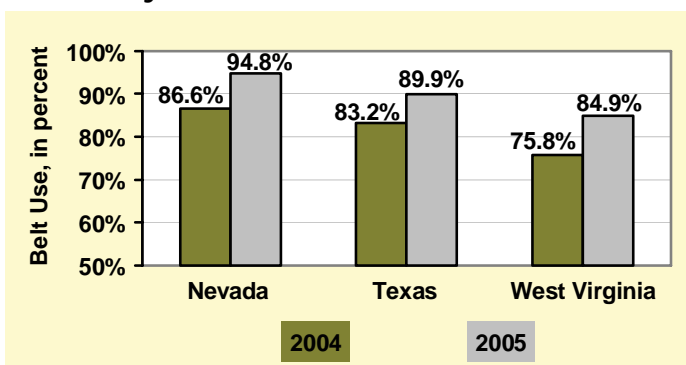
- Nine States and Territories achieved use rates of 90 percent or higher, namely Hawaii, Washington, Nevada, Arizona, Oregon, Michigan, California, Puerto Rico, and Maryland.
- Nevada, Texas, and West Virginia exhibited the greatest improvement, each reducing belt nonuse by 30 percent or more during 2004 – 2005.
- Use rates in jurisdictions with stronger belt enforcement laws continue to exhibit generally higher use rates than those with weaker laws. South Carolina strengthened its belt law to a “primary” enforcement law, effective December 2005. This State saw a jump in use from 65.7 percent in 2004 to 69.7 percent in 2005. Because the 2005 survey was conducted before the primary law took effect, greater gains may be realized in 2006.

#### Safety Belt Use in 2005, by Strength of Enforcement Law



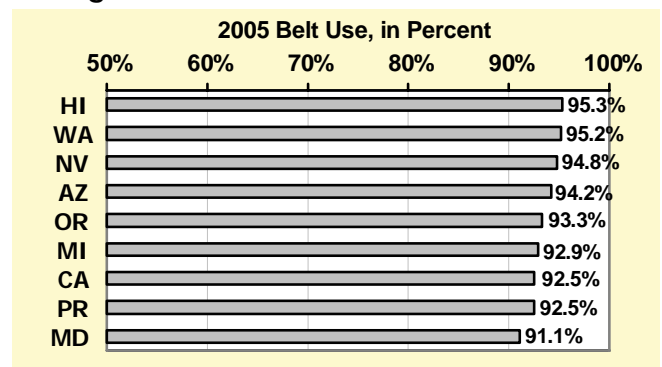
Source: Surveys conducted in accordance with Section 157, Title 23, U.S. Code

#### States and Territories That Reduced Belt Nonuse By 30 Percent or More



Source: Surveys meeting Section 157, Title 23, U.S. Code

#### States With Use Rates That Are 90 Percent Or Higher



Source: Surveys meeting Section 157, Title 23, U.S. Code

# Safety Belt Use in States, U.S. Territories, and Nationwide, 1998-2005

State or U.S. Territory <sup>1</sup>	1998	1999	2000	2001	2002	2003	2004	2005	Reduction in Nonuse 2004-2005
Alabama	52.0%	57.9%	70.6%	79.4%	78.7%	77.4%	80.0%	81.8%	9%
Alaska	57.0%	60.6%	61.0%	62.6%	65.8%	78.9%	76.7%	78.4%	7%
Arizona	61.5%	71.1%	75.2%	74.4%	73.7%	86.2%	95.3%	94.2%	-23%
Arkansas	52.6%	57.2%	52.4%	54.5%	63.7%	62.8%	64.2%	68.3%	11%
California	88.6%	89.3%	88.9%	91.1%	91.1%	91.2%	90.4%	92.5%	22%
Colorado	66.0%	65.2%	65.1%	72.1%	73.2%	77.7%	79.3%	79.2%	0%
Connecticut	70.1%	72.9%	76.3%	78.0%	78.0%	78.0%	82.9%	81.6%	-8%
Delaware	62.3%	64.4%	66.1%	67.3%	71.2%	74.9%	82.3%	83.8%	8%
Dist. Of Columbia	79.6%	77.9%	82.6%	83.6%	84.6%	84.9%	87.1%	88.8%	13%
Florida	57.2%	59.0%	64.8%	69.5%	75.1%	72.6%	76.3%	73.9%	-10%
Georgia	73.6%	74.2%	73.6%	79.0%	77.0%	84.5%	86.7%	81.6%	-38%
Hawaii	80.5%	80.3%	80.4%	82.5%	90.4%	91.8%	95.1%	95.3%	4%
Idaho	57.3%	57.9%	58.6%	60.4%	62.9%	71.7%	74.0%	76.0%	8%
Illinois	64.5%	65.9%	70.2%	71.4%	73.8%	80.1%	83.0%	86.0%	18%
Indiana	61.8%	57.3%	62.1%	67.4%	72.2%	82.3%	83.4%	81.2%	-13%
Iowa	76.9%	78.0%	78.0%	80.9%	82.4%	86.8%	86.4%	85.9%	-4%
Kansas	58.7%	62.6%	61.6%	60.8%	61.3%	63.6%	68.3%	69.0%	2%
Kentucky	54.3%	58.6%	60.0%	61.9%	62.0%	65.5%	66.0%	66.7%	2%
Louisiana	65.6%	67.0%	68.2%	68.1%	68.6%	73.8%	75.0%	77.7%	11%
Maine	61.3%	NA	NA	NA	NA	NA	72.3%	75.8%	13%
Maryland	82.6%	82.7%	85.0%	82.9%	85.8%	87.9%	89.0%	91.1%	19%
Massachusetts	51.0%	52.0%	50.0%	56.0%	51.0%	61.7%	63.3%	64.8%	4%
Michigan	69.9%	70.1%	83.5%	82.3%	82.9%	84.8%	90.5%	92.9%	25%
Minnesota	64.2%	71.5%	73.4%	73.9%	80.1%	79.4%	82.1%	82.6%	3%
Mississippi	58.0%	54.5%	50.4%	61.6%	62.0%	62.2%	63.2%	60.8%	-7%
Missouri	60.4%	60.8%	67.7%	67.9%	69.4%	72.9%	75.9%	77.4%	6%
Montana	73.1%	74.0%	75.6%	76.3%	78.4%	79.5%	80.9%	80.0%	-5%
Nebraska	65.1%	67.9%	70.5%	70.2%	69.7%	76.1%	79.2%	79.2%	0%
Nevada	76.2%	79.8%	78.5%	74.5%	74.9%	78.7%	86.6%	94.8%	61%
New Hampshire	NA	NA	NA	NA	NA	49.6% <sup>2</sup>	NA	NA	
New Jersey	63.0%	63.3%	74.2%	77.6%	80.5%	81.2%	82.0%	86.0%	22%
New Mexico	82.6%	88.4%	86.6%	87.8%	87.6%	87.2%	89.7%	89.5%	-2%
New York	75.3%	76.1%	77.3%	80.3%	82.8%	84.6%	85.0%	85.0%	0%
North Carolina	76.7%	78.1%	80.5%	82.7%	84.1%	86.1%	86.1%	86.7%	4%
North Dakota	40.0%	46.7%	47.7%	57.9%	63.4%	63.7%	67.4%	76.3%	27%
Ohio	60.6%	64.8%	65.3%	66.9%	70.3%	74.7%	74.1%	78.7%	18%
Oklahoma	56.0%	60.7%	67.5%	67.9%	70.1%	76.7%	80.3%	83.1%	14%
Oregon	82.6%	82.7%	83.6%	87.5%	88.2%	90.4%	92.6%	93.3%	10%
Pennsylvania	67.8%	69.7%	70.7%	70.5%	75.7%	79.0%	81.8%	83.3%	8%

State or U.S. Territory <sup>1</sup>	1998	1999	2000	2001	2002	2003	2004	2005	Reduction in Nonuse 2004–2005
Rhode Island	58.6%	67.3%	64.4%	63.2%	70.8%	74.2%	76.2%	74.7%	-6%
South Carolina	64.8%	65.2%	73.9%	69.6%	66.3%	72.8%	65.7%	69.7%	12%
South Dakota	45.7%	NA	53.4%	63.3%	64.0%	69.9%	69.4%	68.8%	-2%
Tennessee	56.7%	61.0%	59.0%	68.3%	66.7%	68.5%	72.0%	74.4%	9%
Texas	74.4%	74.0%	76.6%	76.1%	81.1%	84.3%	83.2%	89.9%	40%
Utah	66.7%	67.4%	75.7%	77.8%	80.1%	85.2%	85.7%	86.9%	8%
Vermont	62.7%	69.8%	61.6%	67.4%	84.9%	82.4%	79.9%	84.7%	24%
Virginia	73.6%	69.9%	69.9%	72.3%	70.4%	74.6%	79.9%	80.4%	2%
Washington	79.1%	81.1%	81.6%	82.6%	92.6%	94.8%	94.2%	95.2%	17%
West Virginia	56.5%	51.9%	49.8%	52.3%	71.6%	73.6%	75.8%	84.9%	38%
Wisconsin	61.9%	65.1%	65.4%	68.7%	66.1%	69.8%	72.4%	73.3%	3%
Wyoming	50.1%	NA	66.8%	NA	66.6%	NA	70.1%	NA	
Puerto Rico	78.3%	77.8%	87.0%	83.1%	90.5%	87.1%	90.1%	92.5%	24%
Nationwide	62% - 70%	67%	71%	73%	75%	79%	80%	82%	10%

Source: Rates in States and Territories are from surveys conducted in accordance with Section 157, Title 23, U.S. Code. The national figures are from NHTSA's National Occupant Protection Use Survey.

<sup>1</sup> Rates in jurisdictions with primary belt enforcement during the calendar year of the survey are shaded. However the law might not have taken effect when the survey was conducted.

NA: The State or Territory did not report a rate compliant with Section 157 to NHTSA.

<sup>2</sup> The 2003 rate for New Hampshire was not reported by the State. It was obtained by Preusser Research Group using methods compliant with Section 157.

# Key Provisions of Safety Belt Use Laws

State or U.S. Territory <sup>1</sup>	Type of Law <sup>2</sup>	Fine <sup>3</sup>	Coverage		
			Seats	Persons	Vehicles Exempted
Alabama	Primary	\$25	Front	Ages 6+ except medical reason or newspaper/mail delivery	Vehicles for > 10 passengers, model year < 1965, vehicles driving in reverse
Alaska	Secondary	\$15	All	All except medical reason or newspaper/mail delivery	School buses, vehicles with no safety belts, emergency vehicles
Arizona	Secondary	\$10	All in front seat & ages 5-15 in rear, except medical reason or mail delivery		Vehicles for > 10 passengers, model year < 1972
Arkansas	Secondary	\$25	Front	All except medical reason or rural mail delivery	School, church, & public buses; model year < 1968
California	Primary	\$20	All	All except medical reason, newspaper/rural mail delivery, waste/recycling collection	Emergency vehicles
Colorado	Secondary	\$15	All	All except medical reason, delivery/pickup services; primary law if driver < 18	Buses, ambulances, farm tractors, husbandry vehicles, vehicles not required to have belts
Connecticut	Primary	\$37	All in front seat and 4-16 in rear, except if medical reason or delivery service		Vehicles > 10,000 lbs, public vehicles, emergency vehicles
Delaware	Primary	\$25	All	All except medical reason, mail delivery	Tractors, off-road vehicles
District of Columbia	Primary	\$50 + 2 points	All	All except medical reason	Taxis, vehicles for > 9 passengers, farm vehicles, model year < 1966
Florida	Secondary	\$30	All in front seat and 6-17 in rear, except medical reason or newspaper delivery		Living space of RVs, school & public buses, farm tractors, trash trucks, trucks > 5,000 lbs.
Georgia	Primary	\$15	All in front seat, and 6-17 in rear, except medical reason or newspaper/rural mail delivery		Pickup trucks, off-road vehicles, vehicles for > 10 passengers, emergency vehicles, vehicles making frequent stops, vehicles in reverse, model year < 1965
Hawaii	Primary	\$45	All in front seat and 4-17 in rear, except medical reason		Taxis, buses & school buses > 10,000 lbs, emergency vehicles, vehicles not required to have belts
Idaho	Secondary	\$10	All	All, except if medical reason, all belts used, or mail delivery	Vehicles > 8,000 lbs, emergency vehicles, husbandry vehicles
Illinois	Primary	\$25	All in front seat and 8-15 in rear, except medical reason or rural mail delivery		Emergency vehicles, vehicles not required to have belts, vehicles in reverse
Indiana	Primary	\$25	All in front seat and 4-11 in rear, except medical reason or delivery service		Pickup trucks, buses, trucks, tractors, RVs, SUVs registered as pickup trucks
Iowa	Primary	\$25	All in front seat and under 11 in rear, except medical reason, delivery service, or bus passenger		Emergency vehicles
Kansas	Secondary	\$10	All in front seat and 4-14 in rear, except medical reason or newspaper/mail delivery		Farm vehicles > 16,000 lbs, vehicles for >10 people, trucks > 12,000 lbs, off-road vehicles
Kentucky	Secondary	\$25	All	All except medical reason or mail delivery	Farm vehicles > 2,000 lbs, vehicles for >10 people, trucks > 12,000 lbs, model year < 1965
Louisiana	Primary	\$25-\$50	All in front seat and 6-12 in rear, except medical reason or mail delivery		Farm vehicles within 5 miles of farm, model year < 1981, vehicles for > 10 people
Maine	Secondary	\$25-\$50	All	All except medical reason or rural mail delivery	Taxis, vehicles manufactured without belts
Maryland	Primary	\$25	Front outboard	All except medical reason or mail delivery	Taxis, vanpools, hearses, farm vehicles within 10 miles of farm, antique vehicles, emergency vehicles
Massachusetts	Secondary	\$25	All	All except medical reason or rural mail delivery	Taxis, buses, tractors, livery vehicles, trucks > 18,000 lbs, emergency vehicles
Michigan	Primary	\$25	All in front seat and 4-15 in rear, except medical reason or delivery service		School buses, model year < 1965, vehicles not required to have belts
Minnesota	Secondary	\$25	All in front seat and 4-10 in rear, except medical reason, rural mail delivery, or when all belts used		Farm pickup trucks; school buses; model year < 1965; vehicles in reverse, making frequent stops, or < 25 mph
Mississippi	Secondary	\$25	All in front seat and 4-10 in rear, except medical reason or meter reader		Farm vehicles, ATVs, buses, trailers, vehicles for > 15 passengers, husbandry vehicles
Missouri	Secondary	\$10	All in front seat and 4-15 in rear, except medical reason, mail delivery, or all belts used; primary law for < 16		Farm vehicles, vehicles for >10 people or used for agriculture, trucks > 12,000 lbs, model year < 1968
Montana	Secondary	\$20	All	All except medical reason or all belts used	Vehicles with frequent stops, special mobile equipment vehicles
Nebraska	Secondary	\$25	All in front seat and 4-18 in rear, except medical reason or rural mail delivery		Farm vehicles, buses, emergency vehicles, parade vehicles, model year < 1973
Nevada	Secondary	\$25	All	All except medical reason or rural mail delivery	Taxis; buses; emergency vehicles; vehicles not required to have belts, making frequent stops, or < 15 mph
New Hampshire	No law for ages 18+	\$25	All	Primary law for < 18	Taxis, school buses, antique vehicles, parade vehicles, model year < 1968

State or U.S. Territory <sup>1</sup>	Type of Law <sup>2</sup>	Fine <sup>3</sup>	Coverage		
			Seats	Persons	Vehicles Exempted
New Jersey	Primary	\$42	All in front seat and 8-17 in rear, except medical reason or rural mail delivery		Vehicles manufactured before 1966, vehicles not required to have belts
New Mexico	Primary	\$25 + 2 points	All	All except medical reason or rural mail delivery	Vehicles > 10,000 lbs.
New York	Primary	\$50 or more + 3 points	All in front seat and < 15 in rear, except medical reason or rural mail delivery		Taxes, non-school buses, livery vehicles
North Carolina	Primary	\$25	All in front seat and < 15 in rear, except medical reason or delivery service		Commercial vehicles; farm vehicles; emergency vehicles; vehicles for > 11 people, making frequent stops, or < 20 mph
North Dakota	Secondary	\$20	All in front seat and 7-17 in rear, except medical reason, rural mail delivery, or all belts used		Farm vehicles, vehicles for > 10 people, husbandry vehicles
Ohio	Secondary	\$25	Front	All except medical reason or newspaper/mail delivery	None
Oklahoma	Primary	\$20	All in front seat and 6-12 in rear, except medical reason or mail delivery		RVs, trucks, tractors
Oregon	Primary	\$94	All	All except medical reason, newspaper/mail delivery, meter reader, or when all belts used	Taxis, transit vehicles, trash trucks, emergency vehicles, vehicles for > 15 passengers or not required to have belts
Pennsylvania	Secondary	\$10	All in front seat and 8-17 in rear, except medical reason or delivery service < 15 mph		Trucks > 7,000 lbs, model year < 1966
Rhode Island	Secondary	\$75	All	All except medical reason or rural mail delivery	Vehicles not required to have belts, model year < 1966
South Carolina	Secondary	\$10	All	All except medical reason, delivery service, or all belts used	School, church, and daycare buses, public transit, vehicles for > 10 passengers, parade vehicles
South Dakota	Secondary	\$20	All in front seat and < 18 in rear, except medical reason or newspaper/mail delivery; primary law for < 18		Vehicles not required to have belts, model year < 1973
Tennessee	Primary	\$10-\$20	All in front seat and < 16 in rear, except medical reason, newspaper/mail delivery, utility worker, or auto dealer/mechanic within 1 mile of dealership		Public vehicles, vehicles > 8,500 lbs, parade vehicles, hayrides, livery vehicles, vehicles not required to have belts or < 15 mph between fields
Texas	Primary	\$25-\$200	All in front seat and < 17 in rear, except medical reason, newspaper/mail delivery, or utility worker		Farm vehicles, vehicles for >10 people, trucks > 15,000 lbs
Utah	Secondary	\$15-\$45	All	All except if medical reason or all belts used	Vehicles not required to have belts, model year < 1966
Vermont	Secondary	\$10	All	All except if medical reason, rural mail delivery, or delivery < 15 mph	Taxis, buses, farm tractors, emergency vehicles
Virginia	Secondary	\$25	All in front seat and < 16 in rear, except medical reason, newspaper/rural mail delivery, meter reader, or parking enforcement		Taxis, police vehicles, vehicles for > 10 passengers, municipal and delivery vehicles with frequent stops
Washington	Primary	\$101	All	All except medical reason or all belts used	Farm vehicles, construction vehicles, vehicles for > 10 passengers, commercial vehicles with frequent stops
West Virginia	Secondary	\$25	All in front seat and < 17 in rear, except medical reason or rural mail delivery		Vehicles for > 10 passengers
Wisconsin	Secondary	\$10	All in front seat and 4-15 in rear, except medical reason, newspaper/rural mail delivery, or land surveyor		Taxis, farm trucks, emergency vehicles, vehicles with frequent stops or not required to have belts
Wyoming	Secondary	\$10-\$25	All	All except medical reason, mail delivery, or all belts used	Buses, emergency vehicles
American Samoa	Primary	\$25	All	Ages 4+	None
Guam	Primary	\$50	Front	All	None
N. Mariana Islands	Primary	\$25	All	Ages 5+	Vehicles carrying large industrial construction equipment
Puerto Rico	Primary	\$50	All	All	None

<sup>1</sup> Laws as of October 2005. Most jurisdictions also have laws requiring that certain children be in child safety seats or booster seats. We do not present these laws here. Safety belt laws are more complex than can be conveyed in this Table, and so the reader should consult each State or Territory's law for its exact coverage and penalties.

<sup>2</sup> Motorists in jurisdictions with primary belt enforcement laws can be stopped and ticketed simply for not using a safety belt. Under a secondary law, motorists can only be ticketed for belt nonuse if they have been stopped for another infraction, such as an expired license tag.

<sup>3</sup> The fines presented here are the fines on the ticket. They do not include court costs and surcharges.



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## Data Source

The data in this Research Note come from surveys conducted by States and U.S. Territories in accordance with criteria established by NHTSA to ensure accurate and consistent results. These criteria were set forth in Section 157, Title 23 of the U.S. Code, and took effect with the 1998 survey year. The main provision of the criteria is a requirement that the surveys observe actual traffic on the road at a set of sites chosen through probabilistic means. Other major elements of the criteria are summarized below. All 50 States, the District of Columbia, and Puerto Rico are eligible for the grant program administered through the Section 157 regulation. Compliance with the criteria is verified annually by NHTSA's National Center for Statistics and Analysis.

Using a probability sample removes biases associated with choosing observation sites subjectively. It also allows the computation of the margin of error of the use rates. The Section 157 surveys were designed so that the margin of error on statewide use is at most 10 percent of the use rate. For example, the margin of error on a use rate of 80 percent is +/- 8 percentage points.

States and Territories may conduct their 2005 surveys at any time during the 2005 calendar year. However, most of the 2005 surveys in this publication were conducted in June 2005, shortly after the conclusion of a nationwide media and enforcement campaign to encourage greater belt use. Information on this campaign, the *Click It or Ticket* campaign, will appear in an upcoming NHTSA Traffic Tech publication and report at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov).

The results of the 2005 surveys in this publication are preliminary. As allowed by the Section 157 regulation, States and Territories may submit revised 2005 figures before March 2006. Results from prior survey years are final.

Safety belt use nationwide reached 82 percent in 2005, as measured by NHTSA's National Occupant Protection Use Survey (NOPUS). NOPUS provides NHTSA's official measure of nationwide use because it is the only probability-based observational survey of safety belt use in the United States. Additionally, NOPUS does not employ cost-saving restrictions allowed of the States and Territories in Section 157 (namely, the omission of up to 15 percent of low population areas and the permission to observe data solely in vehicles stopped at a stop sign or stoplight), and so provides a better measure of nationwide use than would be obtained by combining the use rates from the States and Territories.

## Safety Belt Use Laws

Safety belt use in the United States is regulated and enforced at the State and local levels. The previous table presents key provisions of safety belt laws, which vary widely throughout the Nation in terms of vehicles covered, seating positions covered, and penalties for nonuse. In addition, cities or other localities within States and Territories may have laws stricter than those in this table.

Belt enforcement laws may be "primary" or "secondary." Under a **primary** belt law, motorists can be stopped and ticketed simply for belt nonuse. Under **secondary** laws, motorists must be stopped for another infraction, such as an expired license tag, in order to be ticketed for belt nonuse. In 2005, 22 States, Puerto Rico, and the District of Columbia had primary laws, 27 States had secondary laws, and one State (New Hampshire) effectively has no belt law, since motorists over age 17 can legally ride unbelted. The Territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands also have primary laws. South Carolina strengthened its belt law to a "primary" enforcement law, effective December 2005. This State saw a jump in use from 65.7 percent in 2004 to 69.7 percent in 2005. The 2005 survey was conducted before the primary law took effect, and so greater gains may be realized in 2006.

## Improvement in Rates

We measure improvement in safety belt use by examining the reduction in belt nonuse. For instance, an increase from 90 percent to 95 percent represents a 50 percent reduction in nonuse (i.e. nonuse was cut in half, from 10 percent nonuse to 5 percent nonuse). This provides a better measure of improvement than a straight percentage or percentage point increase in use, since e.g., a 10-point jump in use is considerably easier starting at 50 percent use than at 80 percent use, because a greater percentage of belt nonusers must be converted to users at the 80 percent rate. In fact, while not entirely accurate, given that a number of people use belts at some times and not others, it can be helpful to think of the percentage reduction in nonuse as the percent of nonusers who were "converted" to users. (Boyle et al., 2003)

The reduction in belt nonuse during 2004-2005 is shown in the last column of the first table. In 2005, Nevada, Texas, and West Virginia showed the greatest improvement, each reducing nonuse by 30 percent or more over their 2004 rates.

## Summary of Survey Criteria from Section 157, Title 23, U.S. Code

Belt use rates from the States and Territories in this report are based on surveys conducted according to criteria issued in Section 157 of Title 23 of the United States Code. These criteria were established as part of an occupant protection incentive grant program for the 50 States, the District of Columbia, and Puerto Rico. The criteria are summarized below:

1. Estimates must be obtained through a survey using actual observation of occupant shoulder belt use in vehicles on roadways. Use rates determined from secondary sources, e.g., police crash reports or use reported through telephone surveys, are not permitted.
2. The survey must be probability-based. Statistical procedures must be employed to select sites at which observations of shoulder belt use are made. Following probability-based sampling procedures permits estimates that are “representative” of the use rate in the desired population and makes it possible to calculate their standard errors.
3. The survey must be designed and conducted to permit estimating shoulder belt use for the following population of interest:
  - Front-seat, outboard passengers, i.e., the driver and right-front-seat passenger.
  - All passenger motor vehicles, i.e., automobiles, pickup trucks, vans, minivans, and sport utility vehicles, must be observed, regardless of the State (or county) of registration.
  - Observational sites in the largest geographic areas (usually counties) in the State containing at least 85 percent of the State’s population must be included in the sampling frame and have positive probability of selection. This criterion permits the exclusion of large, sparsely populated geographic areas where few observations are expected.
  - Observations must be conducted during all daylight hours and on all days of the week, and must be scheduled without regard to day-of-week and time-of-day (for daylight hours).
4. The survey must be designed to produce an overall estimate of shoulder belt use with a relative precision (the estimated sampling error of the use divided by the estimated use rate) of +/- 5 percent. This ensures that there are a sufficient number of observation sites and observed vehicles to produce a statistically reliable estimate.
5. The survey design and results must be properly documented for evaluation of survey results by NHTSA and others and to determine compliance with Criteria 1-4 listed above.

## References

Glassbrenner, D., *Safety Belt Use in 2005 – Overall Results*, National Highway Traffic Safety Administration, DOT HS 809 932, August 2005

Boyle, J., and Vanderwolf, P., *2003 Motor Vehicle Occupant Safety Survey, Volume 3, Safety Belt Report*, National Highway Traffic Safety Administration, DOT HS 809 788, September 2003

## For More Information

This publication is part of a series of Research Notes presenting data on safety belts, motorcycle helmets, child restraints, and driver cell phone use. Other publications in the series, such as “Safety Belt Use in 2005 – Overall Results,” can be found at the Web site <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/AvailInf.html>.