



Safety

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Background

Those who drive cars may not realize the amount of thought that goes into safety, both in terms of safety equipment in the vehicle and the requirements of safe driving. Safety is incorporated into the U.S. driving culture in many ways. From safety belts and air bags, to motorcycle helmet laws and driving while impaired laws, there is a delicate balance between the government's role of protecting the driving and pedestrian population through safety laws and regulations and the public's and the automobile industry's privacy interests.

For the most part, market forces determined how manufacturers addressed safety issues in their vehicles. There was a good deal of tension between obvious safety hazards and the public's unwillingness to pay for vehicle modifications or features that appeared to be "optional." But in the 1960s, a grass-roots level movement, led by Ralph Nader and others, sought to inform the public, auto manufacturers, and the government about the serious safety risks in vehicles.

The late 1960s saw the first regulatory measures to make cars safer. For example, the threat of a federal mandate for auto manufacturers to install anchors for front safety belts prompted the industry to install them "voluntarily" as standard equipment. In hearings in 1965, [TESTIMONY](#) from many physicians resulted in a recommendation that all cars sold in the state of New York would have by 1968 the seventeen safety features already required in federally owned vehicles. Around that time Michigan, Iowa, Illinois, and Washington also conducted hearings on automobile safety.

As of 2002, there are large federal agencies that oversee an enormous array of federal laws and regulations that are intended to safeguard American drivers, passengers, and pedestrians. These are supplemented by many additional laws and regulations in all fifty states, the District of Columbia, and U.S. territories and possessions.

Child Passenger Safety

Traffic crashes are one of the leading causes of death in the United States. All 50 states, the District of Columbia, Puerto Rico, and the U.S. territories have child passenger safety laws on the books. These do much to reduce the number of deaths and serious injuries from vehicle crashes. But the biggest problem with these

laws remains the significant gaps and exemptions in coverage that diminish the protection that all children need in motor vehicles.

According to the September 1998 issue of the *Journal of Pediatrics*, the best predictor of child occupant restraint use is adult safety belt use. In other words, an adult driver who is buckled up is far more likely to restrain a child passenger than one who is not buckled.

Proper Child Safety Seat Use

Perhaps the single most important rule about children in vehicles is that children should be seated in the back seat at all times.

The proper seating information for infants, birth to one year or up to twenty-two pounds is:

- If the car seat also converts to a carrier, the infant should face the rear
- Harness straps should be at or below the shoulders
- Infants should never be in the front seat, especially if the vehicle is equipped with passenger-side air bags

The proper seating information for toddlers, twenty-two to forty pounds is:

- If the car seat also converts to a carrier, the child should face forward
- Harness straps should be above shoulder level
- Toddlers should never be in the front seat, especially if the vehicle is equipped with passenger-side air bags

The proper seating information for preschool children, forty to eighty pounds is:

- They need a belt positioning booster seat
- They should face forward
- Their booster seat must be used with both lap and shoulder belts
- The lap belt should fit low and tight

There are child safety seat laws in every state plus the District of Columbia. Police and other law enforcement officers are allowed to issue a [CITATION](#) when they see a violation of these laws. There are some 18 states that have gaps in their child passenger restraint laws; in these states, some children are not covered by either a child safety seat law or a safety belt law. Additionally, in states where children are protected under the safety belt law as opposed to specific child safety seat laws, police may enforce the law only if a driver violates an additional law.

Safety belt laws do protect children. For example, the NHTSA found that when Louisiana upgraded its safety belt law from secondary to standard enforcement, compliance with child restraint rules rose from 45 percent to 82 percent without any other change in the state's child passenger safety law.

Booster Seat Safety

Automobile accidents are a leading cause of death and injury for American children. Approximately 500 of the nearly 19.5 million children in the five to nine year-old age group die in automobile accidents. About 100,000 more are injured in automobile crashes each year. Although the fatality rate has decreased for other age groups in the same time period, the fatality rate in automobile crashes for this age group has remained constant over the past twenty years. That is why this particular age group is sometimes known as "the

forgotten child;" they have outgrown toddler-sized child safety seats but do not yet fit into adult safety belts properly. Despite this problem, neither government nor industry has made concerted efforts to address the safety needs of children ages five to nine.

Booster seats are one answer to this problem; they provide a proper safety belt fit. Booster seats lift children up off vehicle seats. This improves the fit of the adult safety belt on children. If used properly, boosters should also position the lap belt portion of the adult safety belt across the child's legs or pelvic area. An improper fit of an adult safety belt can expose a child to abdominal or neck injury because the lap belt rides up over the stomach and the shoulder belt cuts across the neck. When a child is restrained in an age-appropriate child safety seat, booster seat, or safety belt, his or her chance of being killed or seriously injured in a car crash is greatly reduced.

The facts about booster seat laws are sobering. For example, only seven states have booster seat laws: Arkansas, California, New Jersey, Oregon, Rhode Island, South Carolina, and Washington. Thirty-three states and the District of Columbia require all children up to age 16 to be restrained in every seating position. The other states require child restraint systems for children up to ages two, three, or four, with a few more requiring the use of safety belts after the age of four. According to some estimates, as many as 630 additional children's lives would be saved and 182,000 serious injuries prevented every year if the states closed all the gaps in their child occupant protection laws and all children—ages birth to fifteen years old—were properly restrained.

Child Safety Law Exemptions

Several states have enacted laws which exempt children from passenger restraint laws in certain circumstances or under unique circumstances. These vary widely from state to state. The following is a list of some of the most common exemptions:

- Overcrowded vehicles. In nearly half of the states, children can ride unsecured if all safety belts are otherwise in use.
- "Attending to the personal needs of the child." This vague exemption may cover many activities.
- Medical waivers for children with special medical needs. These exemptions may disappear as advances in child restraint systems make it possible to accommodate children with most types of physical disabilities.
- Out-of-state vehicles, drivers, and children. Children in many states are frequently exempted if the vehicle or driver is from another state.
- Drivers who are not the vehicle owner or who are not related to the children being carried. Some states have laws that do not hold the driver responsible for unrestrained children.

Safety Belt Laws

It is clear from the statistics that lives are saved when drivers and passengers in vehicles use safety belts. This is especially true when safety belt use is reinforced by meaningful safety belt laws. According to NHTSA, as of 2002, approximately 61 percent of passenger vehicle occupants killed in traffic crashes were not wearing safety belts. This figure is down from 65 percent in 1998.

Standard Enforcement Information

Every state except New Hampshire has safety belt laws, but only 17 states and the District of Columbia have standard enforcement of their belt laws. Standard enforcement laws allow police officers to stop vehicles if

the driver or front seat passenger is observed not wearing a safety belt; the law also applies to drivers who have not properly restrained a child. Secondary enforcement laws allow officers to issue a citation for failing to wear a safety belt only after stopping the vehicle for another traffic [INFRACTION](#).

Some have raised concerns that standard enforcement laws could lead to police harassment of minorities. However, according to a 1999 NHTSA report, surveys in California and Louisiana conducted shortly after these states upgraded to standard enforcement found that neither Hispanics (California) nor African Americans (Louisiana) reported receiving a greater number of safety belt citations than the public as a whole.

Currently, seventeen states, the District of Columbia and Puerto Rico have primary laws in effect. Another thirty-two states have secondary enforcement laws, and New Hampshire has no seat belt use law at all. Fines for not wearing a safety belt in the United States currently range from a low of \$5 in Idaho to a high of \$75 in Oregon. In twenty-seven states, the fine is just \$20-25.

Highway Safety Grant Programs for Occupant Protection Activities

Congress passed the Transportation Equity Act for the 21st Century (TEA-21) in May of 1998. There are several programs in TEA-21 that make a direct impact on seat belt use and occupant protection. The three most important programs funded by the Act are:

1. Section 157 Seat Belt Incentive Grant program. This program authorized half a billion dollars over five years to encourage states to increase seat belt use rates. States apply for grant money under this program and may use grant funds for any eligible Title 23 project (including approved construction projects). The TEA-21 Act also encourages innovative state-level projects that promote increased seat belt use rates and child passenger safety activities.
2. Section 405 (a) Occupant Protection Incentive Grant program. This program deploys \$83 million over five years to target specific occupant protection laws and programs. States can receive grants under this program if they demonstrate that they have enacted certain occupant protection laws and programs, such as primary safety belt use laws and special traffic enforcement programs.
3. Section 2003 (b) program. This portion of the TEA-21 established a two-year program for year 2000 and 2001. In the program, states received grants if they implemented child passenger protection education and training activities.

Motorcycle Helmets

Motorcycle helmets are proven to save the lives of motorcyclists, and they help prevent serious brain injuries. Twenty states and the District of Columbia require motorcycle drivers and their passengers to use helmets. Twenty-seven other states have laws that apply to some riders only, particularly those younger than 18. Colorado, Illinois, and Iowa have no motorcycle helmet requirements at all.

Helmet laws increase motorcycle helmet use, thus saving lives and reducing serious injuries. The NHTSA reports that in 2000 there were 2,862 motorcycle riders killed on U.S. roads and highways. This number represents a 15 percent increase from 1999. There were 58,000 motorcycle-related injuries in 2000, a 16 percent increase from 1999.

Speeding

Speeding is a factor in nearly one-third of all [FATAL](#) crashes. Speeding entails exceeding the posted speed limit; it also means driving too fast for conditions (such as in fog, rain, or icy road conditions), regardless of the posted speed limit. Some 6.3 million vehicular crashes were reported in 2000.

When drivers speed, they cause the following:

- Reduction in the amount of available time needed to avoid a crash
- Increase the likelihood of a crash
- Increase the severity of a crash once it occurs

According to a report issued by the NHTSA in 2000, speed was a factor in 30 percent (12,628) of all traffic fatalities in 1999. It was second only to alcohol (39 percent) as a cause of fatal crashes.

Congress repealed the National Maximum Speed Limit in 1995. Accordingly, speeds increased on Interstate highways in the states that raised their speed limits. Twenty-four states raised their speed limits in late 1995 and in 1996. Twenty-nine states have currently raised speed limits to 70 MPH or higher on portions of their roads and highways.

Blood Alcohol Content

Motor vehicle crashes are the number one cause of death for Americans ages six through thirty-three. Alcohol-related crashes are a big part of this problem. But alcohol-related accidents account for an inordinately large percentage of all deaths in automobile crashes. In fact, every 33 minutes someone is killed in an alcohol-related crash.

Individuals absorb alcohol at different rates. The main reason is body weight, but a number of other factors affect blood alcohol content (BAC):

- Body type
- Rate of metabolism, medications taken
- The strength of the drinks
- Whether drinkers have eaten recently

Despite these factors, though, just one drink will degrade the physical and mental acuity of practically everyone. A person with a BAC in the range of .08 to .10 is considered legally intoxicated in every state. It takes just a few drinks to get there, even if drinkers do not "feel" the effects of the alcohol.

Intoxicated Drivers Repeat Offender Laws

State law uses four general methods to deal with the problem of repeated offenses by intoxicated drivers. These are:

1. Addressing Alcohol Abuse: Some states require drivers with repeat violations to be assessed for their degrees of alcohol abuse; some also mandate appropriate treatment.
2. Licensing Sanctions: Suspending or revoking licenses of repeat intoxicated drivers for a greater period of time than they for first offenders is the law in most states.

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3. **Mandatory Sentencing:** Some states have mandatory minimum sentences for repeat intoxicated drivers.
4. **Vehicle Sanctions:** Some states impound or immobilize the vehicles of repeat intoxicated drivers. This can involve installing an ignition interlock system, or other device on their vehicles that prevents a vehicle from starting if the driver's blood alcohol concentration is above a certain amount.

Programs that concentrate on an individual's alcohol-related behavior have also experienced success. For example, Milwaukee's Intensive Supervision **PROBATION** (MISP) program reduced recidivism by more than 50 percent. The MISP program includes a component of behavior monitoring. It seems that a variety of measures are needed to address this issue and that states are providing an array of sanctions to the problem of repeat offenders of impaired driving laws.

Revoking or suspending a driver's license is now a common **PENALTY** for violations related to impaired driving. Despite these penalties, many offenders continue to drive. Too many drivers with a suspended license receive additional traffic citations or become involved in crashes during the periods when their licenses are suspended. As a way to ameliorate this problem, many states have enacted legislation that directly affects the offender's vehicle or license plates as a penalty for the impaired driving offense and/or for driving with a suspended license.

Driver licensing sanctions have proven to help reduce the problem of impaired driving. Non-criminal licensing sanctions have resulted in reductions in alcohol-related fatalities of between 6 and 9 percent. According to a NHTSA study, the following states have seen significant reductions in alcohol-related fatal crashes following their implementation of administrative license revocation procedures: Colorado, Illinois, Maine, New Mexico, North Carolina, and Utah.

According to the NHTSA, these kinds of sanctions actually do prevent many repeat **DWI** offenders from driving. Those repeat offenders who continue to drive without a license tend to drive more infrequently or at least more carefully.

The NHTSA State Legislative Fact Sheet-Vehicle and License Plate Sanctions states that a variety of vehicle sanctions programs have been used successfully. For example, California's vehicle impoundment program substantially reduced subsequent offenses, convictions, and crashes for repeat offenders in the program. These penalties work by either separating repeat DUI/DWI offenders from their vehicles or by requiring them to be sober when they drive.

Section 164 of 23 U.S.C.

Section 164 of 23 U.S.C. required states to enact certain laws regarding repeat intoxicated drivers. These were to be in place by October 1, 2000. States without these laws forfeited part of their Federal highway construction funds. These monies were redirected to the state's highway safety program to be used for alcohol-impaired driving countermeasures, or for enforcement of anti-drunk driving laws. Alternatively, states could also elect to use the funds for its hazard elimination program.

To be in compliance with Section 164, a state's laws related to subsequent convictions for driving while intoxicated or driving under the influence of alcohol must require the following:

- **Behavior ASSESSMENT:** States must mandate assessment of repeat intoxicated drivers' degree of alcohol abuse and refer them to treatment when appropriate
- **Driver's License Suspension:** suspension must be for a minimum of one year
- **Mandatory Minimum Sentence:** These should be not less than five days of **IMPRISONMENT** or 30 days of community service for the second offense. For the third or subsequent offense, the sentence

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should not be less than 10 days of imprisonment or 60 days of community service.

- **Vehicle Seizure:** all vehicles of repeat intoxicated drivers must be impounded or immobilized for some period of time during the license suspension period

The [STATUTE](#) defines a repeat intoxicated driver as a driver convicted of driving while intoxicated or driving under the influence of alcohol more than once in any five-year period. This means that states need to maintain records on driving convictions for DWI/DUI for a minimum of five years. Additionally, states must certify that they are in compliance with all the provisions of the statute. The following states and the District of Columbia met the requirements of Section 164 by the end of 2000: Alabama, Arizona, Arkansas, Colorado, Florida, Hawaii, Indiana, Idaho, Iowa, Kentucky, Maine, Michigan, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, Oklahoma, Pennsylvania, Utah, Virginia, and Washington.

Additional Resources

"Advocates for Auto and Highway Safety." Available at <http://www.saferoads.org/>. Advocates for Highway & Auto Safety, 2002.

"Buckle Up America." National Highway Traffic Safety Administration, 2002. Available at <http://www.nhtsa.dot.gov/people/injury/airbags/buckleplan/>.

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"Transportation and Vehicle Safety." [Safetyforum.com](http://www.safetyforum.com/transportation/), 2002. Available at <http://www.safetyforum.com/transportation/>.

Organizations

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Center for Auto Safety (CAS)

1825 Connecticut Ave., NW, Suite 330

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Phone: (202) 328-7700

URL: <http://www.autosafety.org/>

Kids 'N Cars

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URL: <http://www.kidsncars.org/>

Mothers Against Drunk Driving (MADD)

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URL: <http://www.madd.org/home/>

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