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Recommended Citation

James Nolan, *Motor Vehicles - A Comparative Analysis of Seat Belt Legislation*, 14 DePaul L. Rev. 152 (1964)

Available at: <https://via.library.depaul.edu/law-review/vol14/iss1/12>

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MOTOR VEHICLES—A COMPARATIVE ANALYSIS OF SEAT BELT LEGISLATION

Of the 43,600 lives snuffed out by traffic mishaps in the United States in 1963, 5,000 would not have died if seat belts had been installed and used in all motor vehicles involved.¹ A seat belt, although remarkably proficient in preventing injury or death, is, by present automotive standards, an inexpensive item of equipment.² The preventative value of seat belts was recognized as far back as 1949 when Nash Motor Company installed belts as standard equipment on all new autos. This innovation was less than a spectacular success—the buyers tore out the belts.³ After the Nash experiment failed, the Ford Motor Company began optional belt installations with their 1956 models.⁴

The first important seat belt legislation was enacted in 1961. In that year, Wisconsin passed a law making seat belts mandatory in new passenger cars.⁵ In 1962, despite the efforts of "lobbyists from Detroit,"⁶ New York became the second state to require seat belts in passenger cars.⁷

After fourteen states had legislated statutes similar to those of Wisconsin and New York, the automotive industry announced that seat belts would be installed in all private passenger autos as standard equipment.⁸

As of this writing, twenty-three states have enacted statutes requiring that seat belts be installed in all new private passenger autos,⁹ very few

¹ *Traffic Accident Facts*, Traffic Safety, p. 17 (August 1964).

² "At retail the purchase price and cost of installation of a pair of belts will range from \$13.50 to \$16.00." ARE SEAT BELTS GOOD OR BAD 13 (National Safety Council Pamphlet No. 329.93, 1964).

³ *Time*, March 8, 1963, p. 85.

⁴ *Seat Belt Sales Take Off*, *Business Week*, February 3, 1962, p. 32.

⁵ Wis. Laws ch. 521 (1961).

⁶ STATE OF NEW YORK REPORT OF THE JOINT LEGISLATIVE COMMITTEE ON MOTOR VEHICLES AND TRAFFIC SAFETY 23, Leg. Doc. No. 76 (1963).

⁷ N.Y. VEHICLE & TRAFFIC LAW § 383.

⁸ N.Y. Times, April 14, 1963, Sec. 13, p. 12 A, col. 1.

⁹ CAL. VEHICLE CODE § 27309 (Supp. 1963); CONN. GEN. STAT. REV. § 14-100a (Supp. 1963); GA. CODE ANN. tit. 68, § 1801 (Supp. 1963); ILL. REV. STAT. ch. 95½ § 217.1 (1963); IND. ANN. STAT. tit. 47, § 2241 (Supp. 1964); MD. ANN. CODE art. 66½ § 296A (Supp. 1964); MASS. GEN. LAWS ch. 90 § 7 (Supp. 1963); MICH. STAT. ANN. tit. 9 § 9.2410 (2) (Supp. 1963); MINN. STAT. ANN. ch. 169 § 169.685 (Supp. 1963); MISS. CODE ANN. tit. 30, § 8254.5 (Supp. 1962); MO. ANN. STAT. ch. 304 § 304.555 (1963); NEB. REV. STAT. ch. 39 § 39-7, 123.05 (Supp. 1963); N.M. STAT. ANN. ch. 64 § 64-20-75 (Supp. 1963); N.Y. VEHICLE & TRAFFIC LAW § 383(a)(g) (Supp. 1963); N.C. GEN. STAT. ch. 20 § 20-135.2 (Supp. 1963); ORE. REV. STAT. tit. 39 § 483.482 (1963); R.I. GEN. LAWS ANN. § 31-23-39 (Supp. 1963); TENN. CODE ANN. § 59-930 (Supp. 1964); VT. STAT. ANN. tit. 23, § 4 (Supp. 1964); WASH. REV. CODE ANN. § 46.37 (Supp. 1963); W. VA. CODE ch. 17c art. 15, § 1721 (Supp. 1964); WIS. STAT. ANN. § 347.48 (Supp. 1964).

insist that belts be installed in other types of motor vehicles. This note will examine these statutes to determine their deficiencies and commendable features and will attempt to illustrate the requisite elements of a model statute.

ELEMENTS

To aid in the study, it is helpful to divide the statutes into their separate elements. The typical enactment contains four elements: type of vehicles affected; persons affected; standards of safety devices; and sanctions. Pertinent matter not germane to any of the above divisions will be treated distinctly.

The most important of the four elements is that which regulates the type of vehicle affected by the statute. Study of this element will reveal the scope of the entire statute because it determines the number of vehicles which must be equipped with seat belts.

All twenty-three of the laws affect private passenger autos. This is to be expected, as private passenger autos were involved in 86% of all motor vehicle accidents in 1963.¹⁰ Although the laws are constructed so as not to affect used autos at present, the requirements are such that eventually all autos will come under the sweep of the statutes.¹¹

Unfortunately, no statute demands that belts be installed in trucks. When one considers that trucks constitute 16% of the total motor vehicle registrations and that trucks are involved in 17% of fatal motor vehicle accidents, it is obvious that the existing statutes are seriously inadequate.¹² In fairness it must be stated that many trucks are so constructed as to prevent or seriously impede the installation of belts. However, there are signs that the manufacturers will soon remedy this construction problem.¹³ Yet, using the stated percentages, it can be estimated that almost one-fifth of next year's fatal accidents will involve trucks. As soon as practicable, the laws should be amended to include trucks within the seat belt statutes.

In the area of public transportation vehicles, one finds that only two states require belts in this type of vehicle.¹⁴ The Rhode Island law provides:

¹⁰ Traffic Safety, *supra* note 1, at 17.

¹¹ The phrasing contained in the Indiana statute is typical, "... an automobile which is manufactured or assembled commencing with the 1964 models . . ." *supra* note 9.

¹² Traffic Safety, *supra* note 1, at 17. The fact that 17% of the fatal motor vehicle accidents involved trucks does not mean that truck drivers suffered fatalities in this ratio. Unfortunately, figures are not available which show the extent to which truck driver fatalities contributed to the 17%.

¹³ Conversation with Donald Lhotka, National Safety Council, August 1964.

¹⁴ These two states also require belts in private passenger autos, *supra* note 9.

Every jitney, bus, private bus, school bus, trackless trolley coach and authorized emergency vehicle¹⁵. . . shall be equipped with a driver's seat safety belt. . . .¹⁶

This provision appears to cover various types of public vehicles, but it requires that only the driver's seat be equipped with a belt. The passengers receive no protection.

The other statute providing for seat belts in public transportation vehicles is a New York provision which reads:

It shall be unlawful to operate a motor vehicle having a seating capacity of not more than eleven adult passengers or twelve school children used primarily for the transportation of children to and from public or private schools unless such vehicle is equipped with seat safety belts for each occupant. . . .¹⁷

This New York legislation, while much narrower in scope than that of Rhode Island, affords markedly more substantial protection in those particular types of vehicles affected.

An optimum regulation for public transportation vehicles would combine the best features of the New York and the Rhode Island statutes. The resulting statute would require seat belts for every occupant of every vehicle described in the Rhode Island statute. Clearly, this would be sufficient coverage—and coverage is what is desired in this field. In 1963, 420,000 public transportation vehicles were involved in accidents.¹⁸ When one considers the capacity of some of these vehicles, the number of potential injuries is enormous.

The final type of vehicles examined are those owned or operated by a governmental body. The legislation concerning this type contains the most contradictory provisions. While Rhode Island¹⁹ and New York²⁰ specifically include certain governmental vehicles within the operation of their statutes, Georgia²¹ and Massachusetts²² specifically exclude all governmental vehicles from the operation of theirs. Nevertheless, the same statutes of the latter states impose a requirement of belts for private passenger autos. It does not seem prudent to exempt a class of vehicles

¹⁵ An authorized emergency vehicle is any police vehicle, fire vehicle or ambulance. R.I. GEN. LAWS ANN. § 31-23-41 (Supp. 1963).

¹⁶ R.I. GEN. LAWS ANN. § 31-23-41 (Supp. 1963).

¹⁷ N.Y. VEHICLE & TRAFFIC LAW, *supra* note 9.

¹⁸ Traffic Safety, *supra* note 1, at 17.

¹⁹ Police and Fire vehicles, *supra* note 15.

²⁰ N.Y. statute, *supra* note 9, is applicable to government-owned school buses.

²¹ GA. CODE ANN., *supra* note 9.

²² MASS. GEN. LAWS, *supra* note 9.

which, nationally, totals 1,135,254.²³ What is needed is a statute similar to that desirable for public transportation vehicles.²⁴

Although no entirely satisfactory provision has been enacted in this area, such legislation could be drafted by combining the New York statutes with an Idaho Executive Order compelling all government owned vehicles to be equipped with at least one belt.²⁵ A model section should require all government vehicles to be fitted with belts for all occupants.

It is clear that the sections of the statutes which prescribe the type of vehicles to be affected are insufficient in several respects. While private autos should remain within the operation of the statutes, trucks must be included, and the statutes must be broadened to affect public transportation and government vehicles. These additions will insure essential coverage of the types of motor vehicles usually involved in motor vehicle accidents.

PERSONS AFFECTED

Another element, common to all statutes, is the designation of persons to be affected by the statute. This element is noteworthy because it also indicates the time during which a violation may occur. The provisions which identify the persons to be affected may be divided into two categories.

The first category is comprised of six types of provisions.²⁶ The six, although differing slightly, are similar in that all permit the operation of vehicles without seat belts. These provisions require only that belts be installed at certain stated times. As a result of this spot coverage, the purpose of the entire statute may be defeated. For example, the North Carolina statute imposes a penalty upon anyone who registers an auto which is not equipped with seat belts. A person could comply with the

²³ Bureau of Public Roads, table MV-1 (1963). This figure excludes vehicles under the control of the Armed Forces.

²⁴ The problem presented by the fact that some vehicles may be classed as public transportation or government owned or both would be solved if both types of vehicles were within the scope of the statutes.

²⁵ Idaho Exec. Order, July 17, 1961. This order requires the installation of a seat safety belt for each truck driver and the installation of two belts for the front seats of autos.

²⁶ A punishment is imposed upon A. "Anyone who buys, sells, leases, trades or transfers, from or to a resident, at retail, a vehicle not equipped with seat belts," Ind., Miss., N.M., R.I. and Tenn.; B. "Anyone who sells or registers an auto which is not equipped with seat belts," Conn., Ill., Mo. and Wash.; C. Anyone who sells or offers for sale an auto which is not equipped with seat belts, Colo., Md., Mich., Minn. and Ore.; D. Anyone who sells an auto which is not equipped with seat belts, Ga.; E. Anyone who registers an auto which is not equipped with seat belts, Mass., N.Y. and N.C.; F. Any dealer who sells, leases, trades or transfers, at retail, an auto, which is not equipped with seat belts, W.Va.

statute merely by having belts installed on his auto at the time of registration. He can then remove the belts and need never install them again; hence, provisions of this type seriously curtail the effectiveness of the statutes.

The second category of liability provisions impose a penalty upon anyone who operates an auto which is not equipped with belts.²⁷ This type of provision insures that, eventually, every auto operated within the state will be equipped with seat belts. Of the three states which have enacted this type of statute, the Wisconsin legislation seems to best solve the problem. In addition to requiring that belts be installed when the vehicle is operated, Wisconsin also makes it mandatory that belts be installed when an auto is bought, sold, leased, traded or transferred from or to Wisconsin residents at retail. Such a law insures, first, that the vehicle will have belts when the owner or operator acquires possession and, second, that the belts will remain installed. This formulation is the best of those enacted.

THE BELTS

During the course of this note, the term "belt" has been used continually. However, of those states which have passed legislation requiring the installation of safety devices, all but five specify a "belt." In the other five, a belt or a harness will suffice.²⁸

The most satisfactory seat safety device is the harness, since the lap-type belt offers only a limited amount of protection.²⁹ While admitting that the harness type is best, one testing agency also endorses the lap type because it has gained more public acceptance.³⁰ Thus, a compromise is reached, the end result of which is a safety device which will afford the maximum degree of protection with a minimum of discomfort or nuisance. Concededly, promotion of the lap-type device appears to be the practical solution for the time being.³¹

As for the standards of the belts or harnesses, only California and Oregon have passed legislation which commands that all safety devices be extensively tested and retested to insure conformance with the specifications set forth in these two states.³² The remaining states have enacted provisions which, in a single statement, either signify the responsible department, or simply specify the minimum strength of the belt.

²⁷ Vermont, Virginia and Wisconsin, *supra* note 9.

²⁸ Colo., Mo., Ore., Vt. and Va.

²⁹ *Auto Safety Belts*, Consumer Bulletin, p. 26 (Sept. 1962).

³⁰ *Auto Seat Harnesses*, Consumer Reports, p. 485 (Oct. 1962).

³¹ National Safety Council Pamphlet No. 329-93, at 5, 1964.

³² COL. ADMIN. CODE. tit. 13. §§ 990-997 (Register 64, No. 5-3-7-64); ORE REV. STAT. tit. 39 §§ 483.484-483.488. (1963).

A few months ago, an independent testing agency, in referring to belts, announced that inferior models abound.³³ In fact, in tests conducted by Consumers Union, samples of belts installed in the 1964 models of several well-known automobiles failed that agency's least acceptable strength criterion.³⁴

Legislation was needed to correct these inadequacies, so it came as no surprise when Congress passed a law ordering the Secretary of Commerce to establish minimum standards for seat belts, transported for sale, sold, or offered for sale, through interstate commerce.³⁵ It is hoped that the Secretary of Commerce will establish standards at least as rigid and comprehensive as those of California and Oregon.

If previously enacted state legislation had been effective, this federal statute would not be necessary. Nevertheless, federal law does not preclude the various states from amending and stiffening their existing laws. Such proposed strengthening would be an added safeguard that all belts and harnesses be of acceptable quality.

SANCTIONS

The final element to be considered is the sanctions imposed by the statutes. There are four types.

The first imposes either a fine, imprisonment or both for violation of the statute.³⁶ The second type differs from the first in that it provides for either a fine or imprisonment.³⁷ The third assesses a fine only.³⁸ The remaining type of sanction, utilized only by Rhode Island, provides for the suspension of registration until an auto is equipped with belts.³⁹

All of these varieties of sanctions, although inflicting punishments varying in degree and kind constitute an effective deterrent to violation. The optimum penalty would be that which contains the possibility of both fine and imprisonment.⁴⁰ Those statutes which punish only by fine can, if properly enforced,⁴¹ achieve the desired result. None of these sanctions will be effective unless the laws are rigorously administered.

³³ *Seat Belts*, Consumer Reports, p. 333 (July, 1964).

³⁴ *Id.* at 333.

³⁵ 15 U.S.C. §§ 1321-1323 (Supp. March, 1964).

³⁶ ORE. REV. STAT. tit. 39 § 483.990.

³⁷ Ind. *supra* note 9.

³⁸ Miss. *supra* note 9.

³⁹ R.I. GEN. LAWS § 31-23-40 (Supp. 1963).

⁴⁰ The federal statute which requires the Secretary of Commerce to establish standards for seat belts also provides for a maximum punishment of a \$1000 fine and/or a one year imprisonment for violation of the statute. *Supra* note 35.

⁴¹ In some states, it is possible to defeat the purpose of the statute by paying a fine. For example, a resident of Mississippi need never have seat belts installed in his auto. He could instead, pay a maximum fine of \$50.00 for buying an auto not equipped with belts. While tenuous, such an example is a possibility.

There are two remaining problems for which no state has attempted a solution. No state requires that seat belts be installed in the rear seats of autos. There is demonstrative proof of a vital need for protection of persons riding in the rear seat. The results of a study conducted under the guidance of Dr. Donald F. Huelke, Assistant Professor of Anatomy in the University of Michigan, illustrate that rear seat belts are extremely important in preventing death or injury.⁴² Indeed, such belts protect not only those in the rear seat, but also those in the front.⁴³ Foreseeably, an ironic consequence of the failure to install rear seat belts could be injuries sustained by a driver wearing seat belts, caused by a rear seat passenger who, due to the absence of a belt, had assumed the characteristics of a projectile. Although the rear seat is used less frequently than the front seat, the research conducted in this area indicates that belts are needed in the rear seat.

The last problem concerns the use, or rather failure of use, of seat belts. Only a Rhode Island statute demands the use of belts, and this enactment applies only to the drivers of certain public transportation and government vehicles.⁴⁴ A joint study by the California Highway Patrol and Automotive Crash Injury Research of Cornell University reported that of 1,974 seat belt equipped autos involved in accidents, the belts were not in use at the time of the accident in 63.3 per cent of the cases.⁴⁵ This figure is representative of the nation-wide lackadaisical attitude toward seat belts.

The objections raised against the use of seat belts are occasioned by misinformation, emotion, and a desire for comfort.⁴⁶ When compared with the number of persons killed or injured each year in motor vehicle accidents in 1963, these objections pale by comparison.⁴⁷

Many of the legislatures have recognized the need for seat belts and have responded with laws commanding the installation of belts in autos. The mere installation of a seat belt will not prevent death or injury. Now those legislatures can hope for increased public acceptance and resultant use of the belts, or they can enact legislation requiring the use of belts.

The needless loss of thousands of lives each year, together with the resultant hardship imposed upon both individuals and society, can no longer be ignored. The legislatures, for the public good, should exercise their powers now to make the use of seat belts mandatory.

⁴² Science Digest, p. 66. (July 1963).

⁴³ Consumer Bulletin, *supra* note 29.

⁴⁴ R.I. *supra* note 16.

⁴⁵ Traffic Safety, p. 50 (May, 1961).

⁴⁶ *Id.* at 11.

⁴⁷ A comprehensive statistical survey of 1963 motor vehicle accidents is contained in *Accident Facts*, published by the National Safety Council.