

An Act Relative to Improving Safety on the Roads of the Commonwealth

Primary Seat Belt

Would enable law enforcement to stop motorists who appear to not be wearing seatbelts.

Proposed Massachusetts MGL Chapter 90 Section 13A Amendment

No person shall operate a private passenger motor vehicle or ride in a private passenger motor vehicle, a vanpool vehicle or truck under eighteen thousand pounds on any way unless such person is wearing a safety belt which is properly adjusted and fastened; provided, however, that this provision shall not apply to:

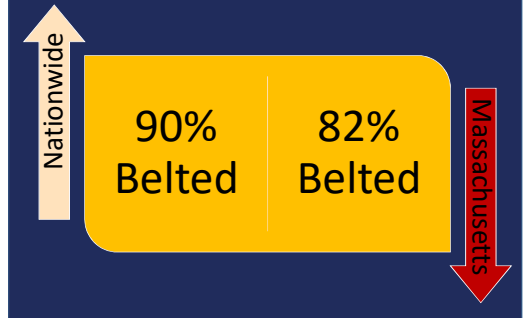
- any child less than twelve years of age who is subject to the provisions of section seven AA;
- any person riding in a motor vehicle manufactured before July first, nineteen hundred and sixty-six;
- any person who is physically unable to use safety belts; provided, however, that such condition is duly certified by a physician who shall state the nature of the handicap, as well as the reasons such restraint is inappropriate; provided, further, that no such physician shall be subject to liability in any civil action for the issuance or for the failure to issue such certificate;
- any rural carrier of the United States Postal Service operating a motor vehicle while in the performance of his duties; provided, however, that such rural mail carrier shall be subject to department regulations regarding the use of safety belts or occupant crash protection devices;
- anyone involved in the operation of taxis, liveries, tractors, trucks with gross weight of eighteen thousand pounds or over, buses, and passengers of authorized emergency vehicles.
- the side facing seat on which the factory did not install a seat belt in any car owned for the purpose of antique collection.

Any person who operates a motor vehicle without a safety belt, and any person sixteen years of age or over who rides as a passenger in a motor vehicle without wearing a safety belt in violation of this section, shall be subject to a fine of twenty-five dollars. Any operator of a motor vehicle shall be subject to an additional fine of twenty-five dollars for each person under the age of sixteen and no younger than twelve who is a passenger in said motor vehicle and not wearing a safety belt. **The provisions of this section shall be enforced by law enforcement agencies only when an operator of a motor vehicle has been stopped for a violation of the motor vehicle laws or some other offense.**

Any person who receives a citation for violating this section may contest such citation pursuant to section three of chapter ninety C. A violation of this section shall not be considered as a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section one hundred and thirteen B of chapter one hundred and seventy-five.

Opportunity For Success

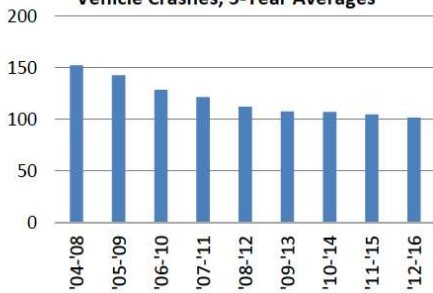
- States with primary seat belt laws have 9% higher usage rates than states with secondary laws.
- States that have strengthened their seatbelt laws from secondary to primary have seen a decline in driver death rates by up to 7%



Existing Regulations only authorize secondary enforcement of seat belt laws, which means that police officers cannot stop and ticket drivers for the sole offense of not wearing a seatbelt.

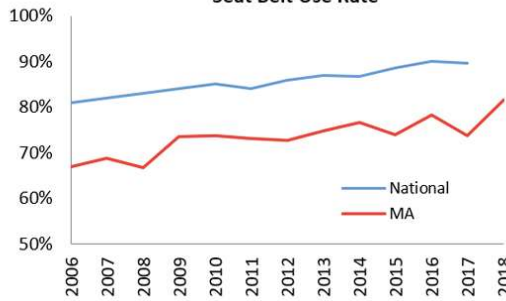


Unrestrained Fatalities from Motor Vehicle Crashes, 5-Year Averages



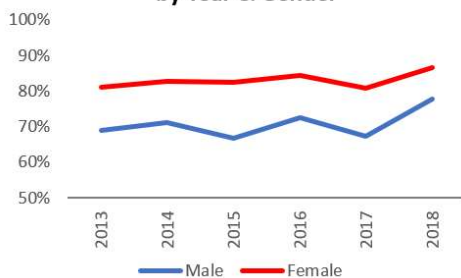
In 2016, 44% of motor vehicle occupant fatalities were unrestrained.

Massachusetts and United States Observed Seat Belt Use Rate



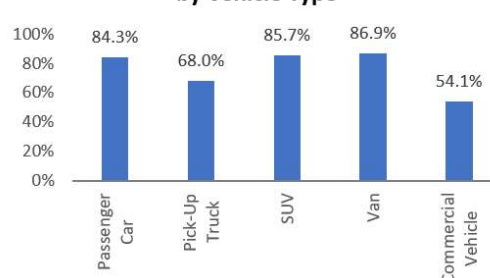
In 2018, the seat belt usage rate in Massachusetts was 81.6% — one of the lowest in the nation.

MA Observed Seat Belt Usage Rate by Year & Gender



Men were less likely to wear safety belts than women (78% vs. 87%, respectively).

MA Observed Seat Belt Usage Rate by Vehicle Type



Occupants of pickup trucks were less likely to wear their safety belts, as compared to passenger cars (68% vs. 84%, respectively).

Each year, with a primary law, Massachusetts could save an estimated

