Motor vehicle crashes happen frequently, especially in Montana. People being injured or killed as a result of motor vehicle crashes also happens frequently, especially in Montana. Death or injury may occur as a result of people being ejected from the vehicle they were riding in because they were not wearing a safety belt, and such a turn of events is relatively common and recognized by most as a consequence of failing to buckle up.

What is not recognized, however, is that “a person’s risk of injury or death in a motor vehicle crash is also associated with the restraint use of [the vehicle’s other] occupants.” (Cummings & Rivara) For example, a front seat occupant constitutes a target for an unrestrained rear occupant being catapulted forward as a result of a crash, even at low speeds. To illustrate, “a 60-lb unbelted child traveling in the rear seat would exert a force of approximately 2,700 lbs into the driver’s seat in a head-on crash at 30 mph.” (Mayrose et al.) If the passenger directly behind a belted driver is unrestrained, a crash at 35 mph causes a four-fold increase in the force to the head and chest of the belted driver as a result of the passenger being hurled over the seat in front. Seats in new motor vehicles are now equipped with headrests that may prevent a child from being thrown over the seat, and driver-side airbags have also become standard vehicle equipment. However, they are not designed to protect a driver being thrown into the steering column due to the additional forces of an unrestrained rear-seat passenger which, at 35 mph, can cause as much damage to the driver as falling from a height of 40 feet onto a hard surface. Not coincidentally, such a catapulting rear-seat passenger is referred to as a “Backseat Bullet.”
Traffic Fatalities in Montana and Nationally

The “Backseat Bullet” is admittedly the more extreme side of the seat belt use issue. However, the fact remains that motorists are too often killed on Montana roads and that children and youth die more frequently as a result of motor vehicle crashes in Montana than in almost any other state. The state has the dubious distinction of having one of the highest rates of traffic deaths in the country. In 2010, Montana’s rate of traffic fatalities per 100,000 people ranked 4th highest in the nation, with only Wyoming, Mississippi, and Arkansas ranking higher. Additionally, Montana ranks 5th worst in the nation for alcohol-related traffic fatalities.

Vehicle crash-related deaths are declining nationwide. Over the 10-year period from 2000 to 2010, the rate of fatalities in the U.S. has steadily decreased from a high of 1.53 to 1.11 deaths per million miles traveled. Montana’s rate has similarly declined from 2.50 to 1.69 deaths per million miles traveled. However, many children are killed and/or severely injured in traffic crashes, nationally and in our state. In 2011, just under 1,200 children across the nation ages 14 years and younger died as occupants in motor vehicle crashes, and approximately 171,000 were injured. That same year, 8 Montana children were killed in crashes. Although the actual number of child deaths is smaller than in other states, the fact that Montana has such a small population means that the relative rate of child deaths is much higher than in more populated states. As would be expected, the number of fatal vehicle crashes jumps dramatically once young people start to drive, with 46 young people ages 15 to 24 dying in crashes in Montana.

Motor vehicle crashes not only cause death, but are a major cause of serious injuries in all age groups. In the

The Danger of Rural Roads

Rural roads are generally more dangerous than urban roads for a number of reasons, and states with more country routes tend to have higher fatality rates. Only 19 percent of Americans live in rural areas, but 55 percent of all road fatalities happen there. Traffic fatality rates have decreased twice as fast in rural areas as urban areas since 2000, but city and suburban roads are still safer.

According to the American Automobile Association, people drive faster in rural areas, and crashes are more deadly. Head-on collisions, for example, are more common in country areas, because opposite-direction traffic is rarely separated, and other safety features, like guard rails, are also less common.

Another challenge in rural areas is that there are fewer people around who can call for help after an accident, and help is likely to be farther away. A hospital or clinic also tends to be farther away and may lack the capacity to handle severe trauma. Together, these issues make it less likely that crash victims will get the medical care they need, when they need it.

Drivers in rural areas also tend to be older and therefore more vulnerable to injury, and they are more likely to have been drinking. Finally, law enforcement officers are spread more thinly across rural areas and thus are less likely to catch drivers who are under the influence, speeding, or not wearing a seat belt.

U.S. in 2011, more than 2.2 million people were injured in crashes, equivalent to an average of over 6,000 injuries per day. That same year in Montana, 6,800 people were injured in crashes, 54 of whom were children who suffered severe injuries. Of the 6,800 injured almost 1,000 were incapacitating injuries, changing lives and representing a high financial, social, and emotional burden on families, communities, and the state.

The major causes of traffic crashes in Montana have been well documented and reports show that the major contributing factors are impaired driving, driving on rural roads, driving at high speed, inexperienced driving, and distracted driving. These factors are often related and many crashes involve all, or at least some, of them.

- Alcohol was involved in almost 40 percent of Montana traffic deaths in 2010. More than two-thirds of fatally injured children were killed while riding with a driver who had been drinking.

- Driving on Montana’s rural roads, often for long distances, has resulted in the state having the highest rate of traffic deaths per mile driven of any state in the country. Ninety-four percent of all Montana roads are considered rural or outside city or town limits, and 66 percent of all Montana roads are unpaved.

- Thirty-five percent of traffic fatalities happened where speed was a factor (2011).

- Only 7 percent of all licensed drivers are under the age of 21, but were involved in 13 percent of fatal crashes (2011).

- Collecting data on distracted drivers is a new phenomenon as use and abuse of cell phones and other electronic devices while driving has grown exponentially. However in 2011, 10 percent of fatal crashes were reported as distraction-affected crashes.

The multiple factors involved in motor vehicle crashes are ones about which a child riding in a vehicle has absolutely no say. Children are literally at the mercy of the choices made by the driver.

Research has shown there are other factors that influence traffic crashes; factors that are more sociological or systemic in nature. One such 2005 study by Montana KIDS COUNT showed that traffic injuries to children are more likely if the child is from a family with lower income, higher unemployment, or higher drop-out rates. Although this study showed the probability was higher for child traffic injuries for children from families with lower income, it did not give reasons why this might be so. It is important to look further at the reasons and avoid the stereotypical reaction that tends to be pejorative toward poor families. Lack of resources often means that “parents living in poverty are less likely to be able to afford a new automobile with up-to-date safety features, or perhaps they cannot afford a child safety/booster seat. Some older automobiles may not be compatible with a child safety/booster seat. They may be forced to forego a seat all together, or rely on used seats of unknown origin and background and “the protective ability of a seat that has been in an accident is severely compromised.” (Teen and Child Motor Vehicle Crash Data Analysis, 2008)

What are Traffic Fatality Rates?

Traffic fatality rates are standardized ways of looking at the number of people dying in motor vehicle crashes, usually within a certain time period. These rates are usually given in one of two ways: as fatalities per 100,000 people in a given population, or as fatalities per million of miles driven by a given population. The traffic fatality rate per population allows comparisons between areas, such as states or counties, with significantly different population levels. The rate per million miles driven allows comparisons between geographical areas where travel distances may vary significantly. On average, drivers in large, rural states tend to cover larger distances than those in smaller, more urban ones.
Passenger Safety

Traffic crashes have many causes, and some are more easily addressed than others. However, if vehicle crashes are going to occur, and there is no reason to think that Americans will stop driving, then what can be done to ensure some level of safety to the occupants, especially young children?

According to the Montana Highway Patrol’s preliminary 2013 figures, the most fatal traffic crashes have lack of seat belt use in common—not using a seat belt was a factor in 186 out of the 244 deaths from crashes on Montana roads. Between 2007 and 2011, a total of more than 600 unrestrained children aged 0 to 14 were observed by the Montana Highway Patrol. During those same years 18 children died who had not been secured by seat belts or car seats.

GUIDELINES FOR PARENTS AND CAREGIVERS

Birth to age 2: (Rear-facing car seat)
For the best possible protection, infants and children should be kept in a rear-facing car seat, in the back seat buckled with the seat’s harness, until they reach the upper weight or height limits of their particular seat. Check the seat’s owner’s manual for weight and height limits.

Age 2 to at least age 5: (Forward-facing car seat)
When children outgrow their rear-facing seats they should ride in forward-facing car seats, in the back seat buckled with the seat’s harness, until they reach the upper weight or height limit of their particular seat. Check the seat’s owner’s manual for weight and height limits.

Age 5 to at least age 9: (Booster seat)
Once children outgrow their forward-facing seats (by reaching the upper height and weight limits of their seat), they should ride in belt-positioning booster seats. Remember to keep children in the back seat for the best possible protection.

Once Seat Belts Fit Properly:
Children should use booster seats until adult seat belts fit them properly. Seat belts fit properly when the lap belt lays across the upper thighs (not the stomach) and the shoulder belt fits across the chest (not the neck). The recommended height for proper seat belt fit is 57 inches tall. For the best possible protection keep children in the back seat and use lap-and-shoulder belts.

All children aged 12 and under should ride in the back seat. Airbags can kill young children riding in the front seat. Never place a rear-facing car seat in the front seat or in front of an air bag. Place children in the middle of the back seat when possible, because it is the safest spot in the vehicle.

Using seat belts has been determined to reduce injuries and deaths from traffic crashes by 50 percent, and it is clear that if seat belts were worn by everyone traveling in vehicles, the nation would avert an untold number of tragedies and save many millions of dollars on health care costs.

The National Highway Traffic Safety Administration (NHTSA) produces an annual estimate of how many lives are saved by seat belt use and how many lives could potentially be saved if everyone buckled up. The latest estimates (2012) show that nearly 63,000 lives were saved by the use of seat belts during the five-year period from 2008 to 2012. In addition, the lives of 284 children four and younger were saved because of child safety seats. Over 3,000 lives would have been saved if all unrestrained people (5 and older) in passenger vehicle crashes had been wearing seat belts.
their seat belts. In Montana, NHTSA estimates that 48 lives (5 and older) were saved by seat belt use and 34 more could have been saved if everyone used seat belts and child safety seats.

Unfortunately, however, not everyone does use seat belts nor secures the children traveling in their vehicles in child safety seats or booster seats. Estimates indicate that in 2011 only 84 percent of Americans used seat belts, ranging from a low in Massachusetts of 73 percent to a high in Washington of 97 percent. For several years, Montana’s seat belt usage has stayed between a high of 80 percent and a low of 77 percent. Looking at the states neighboring Montana—Wyoming, North and South Dakota, and Idaho—all have improved or maintained their seat belt usage rates, with Wyoming improving by 19 percentage points in the years 2006-2011.

The Centers for Disease Control track those who tend to not use seat belts. They are more likely to be between the ages of 18 and 34 than any other age group, more likely to be men than women, and more likely to live in rural rather than urban/suburban areas.

Consequences

What happens in crashes when people do not use seat belts is well documented. Nationally, out of all vehicle crash fatalities where restraint status was known, over half of those who were killed were not wearing any form of restraint when the crash occurred, with the rate increasing to 64 percent for people ages 21 to 24.

So what about children riding in these vehicles where adults do not belt themselves? As would be expected, children are less likely to be in vehicle safety restraints when the driver is not belted. In fact, 40 percent of children in vehicles with unbelted drivers were not in any form of restraint. Looking at children under age 15 in 2011, 43 percent of those who were unrestrained in the vehicle at the time of a crash died. Twenty-seven percent of children under 4 who died were not in any form of safety seat. This percentage increases with each age group up to 60 percent of children aged 13 to 15 who died while unrestrained at the time of the crash.

Reasons for Not Using Seat Belts

Given the overabundance of data documenting the life-saving functions of seat belt use, why do people choose to not use seat belts when it is well known that seat belts save lives? Despite the fact that seat belt use rates are up, a number of people still do not use them. This question was studied by NHTSA in a literature review and expert panel discussion in 2006. The people who do not wear seat belts every time they get in a vehicle fall into one of two categories: either they never buckle up, or they are what is referred to as “situational safety belt users.” These are people who use seat belts only when they think it is necessary. Examples of this might be during bad road conditions, on highways where speeds tend to be higher, or in a car driven by someone deemed untrustworthy. Full-time seat belt users feel uncomfortable if they are not buckled up, whereas situational users feel no such physiological reaction. It was hypothesized that this was due to a subconscious defense mechanism whereby someone could suppress thinking about the consequences of being in a crash.

There are other reasons why people do not wear seat belts that are less subconscious and might be due to mistaken beliefs people hold relative to seat belt use or non-use. The Michigan State Police have developed an interesting list of such myths, all of which may be at play when
someone gets in a vehicle and does not buckle up. However, they are easily debunked by common sense and facts.

- “Seat belts are uncomfortable or inconvenient.”
- “The seat belts in my car don’t work.”
- “Drivers in air bag-equipped vehicles don’t need to wear seat belts.”
- “I don’t want to be trapped in a fire or underwater.”
- “I’d rather be thrown clear in a crash.”
- “Seat belts can hurt you in a crash.”
- “I’m not going far and I won’t be going fast.”
- “The chance that I’ll have an accident is so small, those things only happen to other people.”
- “I’m a good driver, it won’t happen to me.”

Laws on Seat Belts and Child Safety Restraints

People still voluntarily get into vehicles without using seat belts or safety seats for either themselves or the children riding with them. For these individuals, laws may be the only recourse, especially laws dealing with seat belts and child safety restraints. Rigorous enforcement of seat belt laws in combination with public awareness campaigns have been shown to increase seat belt and child restraint use among adults and older children, thus reducing the severity of consequences from motor vehicle crashes.

The first state to enact a seat belt law was New York in 1984, and only Tennessee had a child restraint law in 1979. However, these laws had little impact on usage until high-visibility law enforcement was initiated in the late 1980s, culminating in the nationwide expansion of the “Click It or Ticket” campaign in 2003. Seat belt use increased steadily to its current 86 percent by 2012.

In 1999, an international standard for child restraint installation was developed, driven by the fact that even when child restraints were used, many were installed incorrectly, thus rendering them ineffective. Many programs were and are being implemented to educate people about the correct installation and use of child restraints.

Current Montana Seat Belt and Child Safety Restraint Laws

The Montana Seat Belt Use Act requires the use of seat belts by the driver and each occupant of each vehicle. State law also requires child safety restraint systems for children under the age of 6 and weighing less than 60 pounds. A few drivers and passengers are excluded from the law, including people unable to use seat belts due to a medical condition.

At this time, Montana does not have a primary seat belt law. Under primary laws, law enforcement personnel may make traffic stops solely for failure to use a seat belt. The penalty for failure to use a seat belt is $20. The penalty is not counted as a misdemeanor, it may not be counted as a moving violation—for purposes of suspending a driver license, for example—and it is not counted against a driver’s record. The penalty for failure to use a child safety restraint system is a fine of not more than $100.

Source: Montana Department of Justice; Driving Safety https://doj.mt.gov/driving/driving-safety/#seatbeltuse.
Gaps in Child Safety Restraint Laws

All 50 states have child safety restraint laws that require an approved restraint device or booster seat, and older children are required to buckle up with an adult seat belt. Most are primary enforcement laws (see sidebar), although states vary with respect to the age when the primary law becomes effective. For instance, Ohio’s law is secondary for children ages 4 through 14 and primary for children under 4 years old. In Montana, the child seat law is primary for children ages 0-6, but secondary for all other occupants (see sidebar). A review of safety seat and seat belt legislation across states reveals a hodgepodge of differing details in child safety restraint laws; different states have different regulations based on the age, weight, or height of the child, whether in the front seat or rear seat, whether front facing or rear facing car seats, and if the front air bag is or is not activated.

States can have primary or secondary laws that regulate seat belt or child safety restraints. Thirty-three states (including the District of Columbia) have primary seat belt laws for front seat occupants with 16 of these having rear seat primary enforcement. Four have rear seat secondary enforcement and the remaining 13 have no requirement that rear seat passengers buckle up. Sixteen states have secondary seat belt laws, although in some of these states it becomes a primary enforcement for younger drivers and/or passengers. Seven states with secondary enforcement include rear seats while the remaining states have no rear seat requirements for adults. New Hampshire is the only state in the nation that has neither a primary or secondary seat belt law for adults, although it has a primary law for all drivers and passengers under age 18.

The penalty for not complying with seat belt or child safety restraint laws varies greatly from state to state, and often depends on if it a first or subsequent offense, the age, height, or weight of the child, or if the violator is in the front or rear seat. The range in fines for non-compliance with child safety restraint laws is wide from a high in Nevada of between $100 and $500 to a low of $10 in Michigan. Non-compliance with adult seat belt laws has even lower fines with no apparent pattern as to whether the state has a primary or secondary enforcement law. The highest fine of up to $250 is levied in Oregon with only Washington coming close with a fine of $124. Six states have the lowest fine of $10: Arizona, Kansas, Idaho, Missouri, Pennsylvania, and Wisconsin.

To further confuse the issue, in some states the wording of legislation is such that infants and children are not covered under enforceable seat belt laws OR child safety restraint laws. This is slowly being rectified through legislative action, although gaps still exist in some states, while some states have yet to amend their current laws to comply with national standards.

Ideally, a standard federal rule would cut through some of this confusion and NHTSA has been partnering with many organizations to create such legislation. The Child Restraint Act is the result of this work and recommends that any strong child safety restraint law should include the following elements:

- Cover all occupants up to age 16 in all seating positions;
- Primary enforcement;
- Require child occupants to be properly restrained;
- Apply to all vehicles that are equipped with seat belts, with no vehicles (i.e., pickup trucks) being exempt;
- Make the driver responsible for restraint use by all children under 16 years of age; and
- Allow passengers to ride only in seating areas equipped with seat belts.

In addition, NHTSA recommends that all exemptions...
from the above requirements be removed. For instance in nearly half of the states, children are exempt from safety restraint laws if the vehicle is over-crowded.

In order to assist low-income families to meet child safety seat laws, most states, including Montana, have child safety seat donation and loan programs.

**Enforcement of Seat Belt and Child Safety Seat Laws**

NHTSA has published extensively on the subject of seat belt and child safety seat legislation and issues and annual “Countermeasures That Work” guide for state highway safety offices. This guide details the best ways to increase the use of seat belts and child safety seats. Three factors are considered particularly effective in achieving an increase: legislation, law enforcement, and communications/outreach.

The most effective way to get more adults to buckle up is a state primary seat belt law along with short-term, high-visibility law enforcement, strongly supported by communication and outreach. The most effective methods to get more adults to use child or youth restraints are also to strengthen child/youth occupant restraint laws, along with short-term, high-visibility law enforcement. Effectiveness of all these countermeasures has been demonstrated by extensive evaluations with consistent results.

**Effectiveness of Primary versus Secondary Seat Belt Enforcement Laws**

There have been systematic and well-documented reports that upgrading a seat belt law from a secondary enforcement to a primary enforcement tool increases the use of seat belts and thus reduces motor vehicle crash fatalities and serious injuries from vehicle crashes. When primary seat belt laws are put in place in a state, seat belt use increases by an average of 14 percent, and when states have upgraded their seat belt laws from secondary to primary, the traffic fatalities dropped by an average of 8 percent.

Looking at specific states that changed from secondary to primary enforcement laws shows that vastly different states (geographically, socially, economically, and politically) all had similarly impressive results in raising their rates of seat belt usage. Alabama’s rate increase was the most impressive at 21 percent over two years, while Michigan and Illinois each raised their seat belt use by 14 and 6 percent, respectively. Overall, seat belt use in states without primary enforcement laws was 75 percent, versus 85 percent in states with primary laws.

It is important to reiterate that both primary and secondary enforcement laws are less effective without a commitment to enforcement and public education.

**Montana**

As of January 2014, none of the western, intermountain states had primary seat belt laws. In the west the only states with such laws are California, Oregon, Washington, and New Mexico. There have been efforts to change Montana’s law from secondary to primary, and many advocates continue to work on the issue. In 2011, the Montana Legislature did reinstitute Montana’s primary enforcement law for child restraints for children under the age of 6 and under 60 pounds. The Montana Department of Transportation has identified the need to change this law to increase the height and weight requirements for child passenger safety.

Attempts to enact a primary seat belt law in Montana started in the 2003 Legislative Session and have continued every session since then. In 2003, 2011, and 2013, such a bill died in committee. In 2009, it was defeated in the Senate; and in 2005 and 2007, a bill passed the Senate but was defeated in the House.

Some of the reasons for Montana’s opposition to a primary seat belt law are embedded in the philosophical stance taken by many western states, and some of the arguments used against such legislation can be found in statements on the National Motorist Association’s website;

- “True, seat belts increase safety. But so does maintaining an ideal body weight.”
- “Our belief is that it’s up to you to make your own decisions. The government shouldn’t be forcing anyone to do anything for their own good.”
- “Whether it is mandatory seat belt laws or any other ‘protect us from ourselves’ regulation, this isn’t a legitimate function of government.”
- “Do we really want to give up our personal choices and individual freedoms to save a few pennies each year in insurance premiums?”
In some states, not passing a primary seat belt law was based on the disinclination to give law enforcement another reason to pull drivers over. This sentiment has been expressed particularly by individuals and organizations that seek to reduce perceived racial profiling by traffic police.

**Successful Campaigns**

Generating support for passage of a seat belt law is not a temporary campaign aimed at one or two legislative sessions. Advocates, including those in Montana, have worked for years to build the support at all levels of state and local government, and among the general public. NHTSA has conducted extensive research on how states have been successful in upgrading seat belt legislation from secondary to primary, and have identified seven main factors that lead to success:

1. Understanding that passing a primary law is a multi-year effort involving a broad-based network of organizations and individuals working in the unique political situation in the state;
2. Identifying and effectively responding to opposition arguments;
3. Maximizing awareness of the availability of Section 406 Safety Belt Performance Grants, a portion of which could be used for highway and infrastructure projects;
4. Using paid lobbyists to provide information and address concerns of legislators;
5. Engaging the media to enlist and report on public support;
6. Presenting the bill in terms of a public health issue to save lives, reduce injuries, and reduce state medical expenditures; and
7. Using a variety of legislative techniques.

*Section 406 Safety Belt Performance Grants are federal grants for which a state might qualify if they enact a primary seat belt law. The first $1 million of a state's grant must be used for behavioral highway safety purposes. The rest can be used for highway and infrastructure projects.*

**After a Primary Law is Passed**

It is not enough to get a primary seat belt law passed as the initial bump in usage following the campaign soon dissipates if public education campaigns are not maintained. Public education has taken many forms and is conducted by many state and national organizations. Education campaigns in Montana include ones conducted by both the Montana Highway Patrol and the Montana Department of Transportation. The latter funds multiple efforts to increase traffic safety, including media spots, child passenger safety certification trainings, “Respect the Cage” Safety Exhibit (ended 2012), and “Alive@5.” The Montana Highway Patrol sponsored the distribution of laminated cards with information on Graduated Driver Licensing and Montana seat belt laws. Probably the most visible and successful public education campaign has been the “Buckle Up Montana” campaign by the Department of Transportation. This campaign funds coalitions around the state in their efforts to work locally to increase the use of seat belts and child safety seats. Thus far 12 “Buckle Up Montana” coalitions cover 32 of the state’s 56 counties.

**The Future**

Passing a primary seat belt law will save lives, and protecting the lives of our children is the responsibility of every adult in the state. By supporting the passage of a primary seat belt we can do something to fulfill that responsibility.
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If you are a member of STATE GOVERNMENT, you can:

• Continue to evaluate existing state child and adult occupant protection laws and improve them as necessary.
• Ensure that the gaps in child passenger protection laws are closed.
• Support child passenger education programs, child car seat and booster seat fitting inspection stations, and car seat loaner programs.
• Work with community groups and organizations to achieve the above.
• Support funding for education and outreach programs.
• Work with state and federal highway safety programs.

If you are a COMMUNITY MEMBER, you can:

• Build coalitions to support passage of a primary seat belt law.
• Engage education officials, members of medical and safety communities, law enforcement agencies, and business leaders.
• Talk with your local legislators about traffic crash data and how primary seat belt laws can change the numbers.

If you are a PARENT, you can:

• Join groups to work on passage of a primary seat belt law.
• Educate yourself and others about the correct use of child passenger restraint devices.
• Always wear your seat belt as an example to children.
• Insist that your child always wear a restraint even when they are riding in other people’s cars.
• Insist that friends and family always buckle up themselves and secure all children in the car.
• Talk with your local legislators about keeping people safe.

If you are a member of the media, you can:

• Educate your readers about the importance of seat belt usage. When there are traffic fatalities and people are not wearing seat belts, include it in your news coverage.
• Provide policy solutions, such as primary seat belt laws, in your coverage of traffic fatalities.