



Recommendation of the NC Child Fatality Task Force:
Support legislation allowing for **primary enforcement of unrestrained back seat passengers**, and increase fine for unrestrained back seat passengers from \$10 to \$25

Currently, NC law requires passengers in all positions of a vehicle to be restrained, however failure to wear a seatbelt *in the back seat* by those 16 and up cannot be justification for a traffic stop, so it is a “secondary enforcement” offense.¹ Research shows secondary enforcement to be less effective than standard (primary) enforcement to increase seat belt use.² The current fine for being unrestrained in the front seat is \$25.50; in the back seat the fine for adults is \$10.

NC has failed to meet NHTSA safety recommendations: The National Highway Traffic Safety Administration (NHTSA) recommends that NC have primary enforcement for all seating positions, and in December, 2015, the National Transportation Safety Board sent a letter to Governor McCrory urging enactment of legislation to accomplish this recommendation.³

NC needs to meet criteria to be eligible for federal funding: Primary enforcement of unrestrained passengers in all seats and a minimum fine of \$25 will help meet criteria for NC to be eligible for 1.5 million in federal funding for occupant protection.⁴ Beginning in FY 2017, these will likely be the only highway safety funds that can be used to purchase child restraints for low income families.

Primary enforcement seat belt laws lead to higher usage rates, and seat belt use is the most effective way to prevent fatalities and injuries in the event of a motor vehicle crash

[According to NHTSA]

Fatalities and injuries from unrestrained back seat passengers

- In NC, motor vehicle deaths account for the majority of unintentional injury deaths among children age 0 to 17, and are the leading cause of death for teens ages 15 to 17.⁵
- From 2009-2013, an average of 52% of teen motor vehicle fatalities in the US were to kids not buckled up.⁶
- In NC, a greater percentage of fatal and serious injuries occur to unrestrained rear seat occupants than to unrestrained front seat occupants.⁷
- The odds of driver death in the presence of unrestrained rear-seat occupants are more than double those in which rear-seat occupants are restrained;⁸ an unrestrained back seat passenger can be a source of injury to a front seat passenger in the event of a crash.
- NC ranked 4th among all 50 states in terms of medical and work loss costs associated with motor vehicle crash deaths.⁹ The 2012-2014 average annual comprehensive crash cost in NC is over 23 billion dollars.¹⁰



The Child Fatality Task Force is a Legislative Study Commission that recommends policy solutions to reduce child death, prevent abuse and neglect, and support the safe and healthy development of children. Since its creation in 1991, child death rates in NC have decreased by 46%.

Executive Director: Kella Hatcher, kella.hatcher@dhhs.nc.gov

Co-Chairs: Karen McLeod, kmcleod@benchmarksnc.org; Buck Wilson, bwilson@co.cumberland.nc.us

Website: <http://www.ncleg.net/DocumentSites/Committees/NCCFTF/Homepage/index.html>

¹ See N.C.G.S. 20-135.2A(d1) & (e); restraint of children under age 16 is according to G.S. 20-137.1.

² Shults, R. A., Nichols, J. L., Dinh-Zarr, T. B., Sleet, D. A., & Elder, R. W. (2004). Effectiveness of primary enforcement safety belt laws and enhanced enforcement of safety belt laws: A summary of the guide to community preventive services systematic reviews. *Journal of Safety Research*, 35, 189-196.

³ Occupant protection assessments for NC are conducted by the National Highway Traffic Safety Administration (NHTSA), and have resulted in the recommendation for primary enforcement of a mandatory seat belt law for all seating positions.

⁴ Having rear seat primary enforcement and a minimum of a \$25 fine for being unrestrained in the back seat are two of the occupant protection criteria set by the National Highway Traffic Safety Administration (NHTSA), who require NC to meet 3 of 6 criteria for federal funding titled "Section 405b." Failure to meet these criteria makes it more difficult for NC to be eligible for 1.5 million in federal Section 405b funding, a portion of which is used to purchase child safety seats for low income families.

⁵ Injury and Violence Prevention Branch, Division of Public Health, NC DHHS.

⁶ NC Governor's Highway Safety Program.

⁷ NC Governor's Highway Safety Program, data source: North Carolina 2014 Traffic Crash Facts, NC Division of Motor Vehicles.

⁸ D. Bose, et al., *Accident Analysis & Prevention*, Vol. 53, April 2013.

⁹ Motor Vehicle Crash Deaths: Costly But Preventable: www.cdc.gov/motorvehiclesafety/statecosts/index.html.

¹⁰ NCDOT - North Carolina 2014 Traffic Crash Facts - Comprehensive Crash Cost is all crashes in North Carolina.