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Slack seat belt use costs state millions

Low ranking may help advance legislation

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In 2008, Massachusetts had the nation's lowest rate of seat belt use, which not only costs lives, but will also prevent the commonwealth from receiving $13.6 million in federal transportation funds unless stricter seat belt laws are passed.

According to the National Highway Traffic Safety Administration data released Monday, 66.8 percent of state motorists buckled up in 2008 putting Massachusetts behind the 49 other states, including 2.4 percent below third-to-last New Hampshire - the only state without any seat belt laws.

State seat belt use declined by 1.9 percent from 2007 in Massachusetts and is more than 16 percent below the 83-percent national average. And though Massachusetts has gained ground since introducing the "Click It or Ticket" campaign in 2002, when 51 percent of drivers wore seat belts, the commonwealth is notorious for appearing at, or near, the bottom of the national list.

--See a chart comparing Massachusetts with the rest of the New England states and the U.S.

If tougher seat belt enforcement legislation now pending is passed before June 30, the state would receive the $13.6 million in federal funding. The proposed law, turned back several times already, would allow officers to stop motorists who aren't buckled in, even if they committed no other violations.

Additionally, according to a December federal study, "Massachusetts could expect to save at least $5.7 million from injuries prevented in 2009 alone on its medical costs from the introduction of a ¿primary' seat belt law." The total savings to all payers - including the state, residents injured in crashes, private insurance companies and the federal government - would be about $69.3 million.

However, fatalities on Massachusetts highways fell from 434 deaths in 2007 to 310 in 2008 - a 28.5 percent drop, the largest percentage decline in the country, according to research by the Governors Highway Safety Association.

Massachusetts, along with 21 other states, enforces a secondary seat belt enforcement law meaning drivers cannot be pulled over or cited solely for not wearing their seat belts. Instead, they must be pulled over for another violation and would then face a maximum $25 fine on a first offense of not buckling up.

A primary enforcement bill passed in the Senate in 2006, but was defeated by a slim margin in the House. Similar bills in 2001 and 2003 were deadlocked in the House.

State Rep. Ellen Story, D-Amherst, and state Sen. Stanley Rosenberg, D-Amherst, both said they are in favor of the primary enforcement bill.

"There are some things we are number one in the nation for and should be proud of, but this is not one of them," said Story. "If there's ever a time we could use more money it's now."

Story said she feels more optimistic about the legislation being passed this year because of the state's last-place finish and since there is millions of dollars at stake during at a time when budgets are being squeezed.

"It's quite a shame," said Rosenberg, referring to the bill having been defeated in past years. "Basically, this is about saving lives and the stubbornness on this point is inexplicable."

When asked if the federal funding should be a motivational factor to pass the bill, he said it could certainly help the state. but he added, "That's not really what this is about. It's about the lives and the

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devastation [not wearing seat belts] has caused."

Arguments against a primary enforcement bill include the idea that such a law would intrude on a driver's privacy and the right to choose whether or not to wear a seat belt, and that it would give police officers too much power to pull people over.

However, Rep. Richard Ross, R-Wrentham, disagrees and said he is writing a letter to House Speaker Robert DeLeo requesting that the matter be brought before legislators.

"I don't think [the bill] is intrusive, I don't think it's big government," he said. "I think it's common sense."

After Maine's primary enforcement law went into effect in April 2008, the state saw an increase in use from 79.8 percent in 2007 to 83 percent in 2008.

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