

**House of Representatives
Transportation Committee
Public Hearing
July 24, 2007**

**Testimony:
House Bill 163**

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Good morning. My name is Theodore Christopher. I am the Chairman of the Department of Emergency Medicine at the Thomas Jefferson University Hospital in Philadelphia. As a past president of the Pennsylvania Chapter of the American College of Emergency Physicians (Pennsylvania ACEP), I am here on behalf of the organization that represents over 1,300 emergency physicians in the commonwealth.

Let me begin by thanking Representative Markosek for this opportunity to relay the testimony of Pennsylvania ACEP on House Bill 163. The chapter also applauds Representative Watson as the prime sponsor and those who have co-signed this bill.

In addition to some technical Title 75 amendments regarding provisions to obtain a junior driver's license and learner's permit, we note an important change to Section 4581 with the intent to upgrade to a primary enforcement requirement. A primary enforcement status would enable police officers to engage and ticket, based solely upon this offense. This is a stricter standard from a secondary enforcement classification, in which a penalty for lack of seat belt usage can occur only as secondary action when a driver has been convicted of another offense.

We welcome this effort that will preserve the safety of Pennsylvania's children. Pennsylvania ACEP recognizes and appreciates any step that is taken towards a primary seat belt law in Pennsylvania as a significant achievement. However, we have concerns that there exists a lack of consistency in seat belt requirements and law enforcement that could create confusion. In this legislation, there is confusion between the added regulations, age groupings and primary or secondary enforcement status.

HB 163 reads that children aged 4 – 8 years old must be utilizing a booster seat restraint system and that it is now considered a primary offense. The next statement is clear that each driver and front seat occupant, understood to be eight and older, shall wear a properly adjusted and fastened safety seat belt system. While the impression is such that this would also be considered a primary offense, language in Section 4581, (b) Offense, seems to negate this and reduces the enforcement to a secondary offense. It is Pennsylvania ACEP's opinion that the intent of this bill was to ensure primary enforcement for children up to age 18. Section 4581 needs to be clarified to ensure that the failure to properly secure a child up to age 18 would be a primary offense.

Again, we applaud this effort to upgrade the enforcement to a primary offense. We also suggest and encourage the committee to consider a primary seat belt law as the best and safest solution to ensure the safety of all age groups.

Will making a seat belt usage a primary law really have that large of an impact? Yes! Studies have shown that a significant number of fatalities could be reduced if all states converted to primary laws.ⁱ Primary law enforcement increases restraint system usage rates from 10-15 percentage points, as the states that already have a primary seat belt law have seen.ⁱⁱ This isn't just about adult safety. Research has shown that when

adults buckle up, 87% of children get buckled up too.ⁱⁱⁱ Lap-shoulder belts reduce the risk of fatal injury to front-seat occupants by 45% and the risk of moderate-to-critical injury by 50%.^{iv} It's clear that primary seat belt laws increase usage and ultimately save lives.

To date, twenty-six states and the District of Columbia have primary seat belt laws. Our neighbors New York, New Jersey, Maryland and Delaware have already taken this step and Pennsylvania should follow this example. Some might say that a standard seat belt law infringes on a citizen's personal rights. Yet I counter that with the notion that Pennsylvania drivers expect to have the privilege of public roadways, law enforcement, and emergency personnel at their service when needed, at the very least we should expect that our drivers be required to stay safe on the road. According to the Advocates for Highway and Auto Safety, the needless deaths and injuries that result from non-use of seat belts cost society an estimated \$26 billion annually in medical care, lost productivity, and other injury related costs. Average inpatient costs for traffic crash victims who did not use seat belts were 50% higher than for victims who were belted.^v

While it would be a cost saving measure for Pennsylvanians to buckle up, our concern isn't about money. As an emergency physician working at a Level One trauma center for twenty-two years, I have treated hundreds of patients that were not wearing a seatbelt, and it is those unfortunate images that remain in my mind; the patients that didn't have to suffer as they did if only they'd taken the precaution to buckle-up. These include patients ejected from their vehicles or thrown through their broken windshields, many of whom arrive dead on arrival. There are countless others that have been severely

injured with physically disabling, chronic medical problems or mentally disabling head injuries... all largely preventable by use of seatbelts.

HB 163 clearly acknowledges the importance of using a restraint system for children. Again, we recognize and thank Rep. Watson and her co-sponsors for their support for primary enforcement and for taking an active role in protecting the safety of Pennsylvania's children. Pennsylvania ACEP supports this legislation, noting that amendments are needed to create consistent safety and law enforcement standards. Also, I again encourage the committee to consider standardizing to a primary enforcement for all age groups. The facts are certain and clear. If we upgrade to a primary seat belt law, we will be saving more lives.

I thank the chairman for scheduling this important Public Hearing and for offering the Pennsylvania Chapter of the American College of Emergency Physicians an opportunity to comment.

ⁱ Cejun Liu, Tonja Lindsey, Chou-Lin Chen, and Dennis Utter, *States With Primary Enforcement Laws Have lower Fatality Rates*, NHTSA Research Note DOT HS 810 557, February 2006

ⁱⁱ *Buckling Up*, Advocates for Highway and Auto Safety, August 2006

ⁱⁱⁱ *Buckling Up*, Advocates for Highway and Auto Safety, August 2006

^{iv} *Buckling Up*, Advocates for Highway and Auto Safety, August 2006

^v *Buckling Up*, Advocates for Highway and Auto Safety, August 2006