

Testimony of Mike Dando
Opposing HB 536 - Making Seat Belt Violations a Primary
Offense
Date: 06/25/2024

To: Ohio Criminal Justice Committee

From: Mike Dando, Constituent and Member of the National
Motorists Association

Subject: Opposition to HB 536

Dear Chairman and Committee Members,

My name is Mike Dando, and I am a constituent from Ohio and a dedicated member of the National Motorists Association (NMA). I am here today to express my strong opposition to House Bill 536, which seeks to make not wearing a seat belt a primary offense in our state.

Privacy and Civil Rights Concerns

Turning a seat belt violation into a primary offense raises significant privacy and civil rights concerns. The NMA has always had a very good relationship with police officers and supports law enforcement. However, making seat belt violations a primary offense permits police officers to stop drivers solely for not wearing a seat belt. This could lead to an increase in traffic stops, which might disproportionately affect minority communities and raise concerns about racial profiling and civil liberties. According to the National Highway Traffic Safety

Administration, studies have shown that minority communities, particularly African Americans and Hispanics, are more likely to be stopped by police for traffic violations. Increasing the reasons for stops could exacerbate this issue and lead to more frequent and potentially discriminatory encounters with law enforcement (The Journalist's Resource) (NHTSA).

Questionable Long-Term Effectiveness

Marginal Increases in Compliance: While primary enforcement laws generally result in higher compliance rates, the difference may not be as significant as expected. For instance, the National Highway Traffic Safety Administration shows that primary-law states had a compliance rate of 92%, compared to 89.5% in secondary-law states. The incremental increase might not justify the potential negative impacts on civil rights and community relations (The Journalist's Resource) (NHTSA). Recent studies suggest that the safety benefits of upgrading from a secondary to a primary law may not be as significant today as when seat belt use was lower overall. In 2004, seat belt use in primary-law states was over 10 percentage points higher than in secondary-law states (84% versus 73%). However, by 2022, this difference had narrowed to nearly 3 percentage points (92.2% versus 89.5%) (NHTSA).

Potential for Future Penalties

As written, HB 536 allows first-time offenders to take a 30-minute online course to have their ticket voided. However, this raises questions about future penalties. Will fines increase? Will points be added to our licenses for repeated offenses? States like Texas impose substantial fines, up to \$200 for seat belt violations. If Ohio follows this trend, the financial burden on our residents could increase significantly (NHTSA).

Financial Burden on Constituents

Potential for Increased Fines: The bill proposes a 30-minute online course to void the ticket for first-time offenders. However, there's a concern that in the future, fines could increase, or points could be added to licenses, further burdening drivers financially.

Economic Impact: Higher fines and increased stops could disproportionately impact low-income individuals who may already be struggling with financial stability. This could lead to a cycle of debt and legal troubles for minor infractions.

Classic Car Owners

Concerns for Classic Car Owners: Additionally, drivers of classic cars, which were manufactured before seat belts were standard, may be unfairly ticketed under this new law. Are their rights protected? The bill does not address whether these vehicles will be exempt, potentially subjecting classic car owners to unwarranted fines and penalties.

Support for Law Enforcement

The NMA has always supported law enforcement and recognizes the important role that officers play in maintaining public safety. However, we believe that this bill could lead to unintended consequences that strain community-police relations and divert resources away from more pressing safety issues.

Impact on Motorists

As a long-time advocate for motorists' rights in Ohio, I can attest that this bill would make life more difficult for constituents like myself. Many drivers view this bill as another way for the state to impose fines and generate revenue under the guise of public safety. Furthermore, the provision for a safety course in lieu of a fine, while well-intentioned, does not address the underlying issues of privacy and civil rights.

Conclusion

While promoting seat belt use is essential for public safety, changing Ohio's seat belt law from secondary to primary enforcement could lead to several negative consequences for constituents. These include increased police stops and potential profiling, erosion of privacy and civil rights, questionable long-term effectiveness, and additional financial burdens. I urge the committee to reconsider this approach and explore alternative methods to improve seat belt compliance without compromising the rights and freedoms of Ohio's motorists.

Thank you for your time and consideration.