



# National Motorists Association

THE VOICE OF REASON FOR DRIVING FREEDOM

## **Testimony of Jay Beeber, - Executive Director - Policy National Motorists Association**

### **House Public Safety Committee Public hearing on House Bill 536, June 25, 2024**

Chair Abrams and members of the House Public Safety Committee:

Thank you for the opportunity to provide this written testimony on behalf of the National Motorists Association.

The National Motorists Association (NMA), which represents the interests of over 8 million licensed drivers in the State of Ohio, wishes to express our opposition to House Bill 536 which would allow for primary, rather than secondary, enforcement of seat belt laws.

While the NMA shares the goal of encouraging seat belt usage, we do not believe that changing Ohio's seat belt law to primary enforcement is the best or most equitable means to achieve this result.

### **Primary Seat Belt Enforcement Does Not Significantly Improve Compliance**

According to the National Highway Traffic Safety Administration (NHTSA), states with a primary-law had a seat belt compliance rate of 92%, compared with an 89.5% compliance in secondary-law states, a less than three percent difference.<sup>1</sup> Further, the NHTSA cautions, "primary-law States that had a high proportion of rural roads relative to urban roads [as does Ohio] were associated with no significant increase in seat belt usage in comparison to States with secondary seat belt laws.

Although primary-law states generally have marginally higher compliance rates, according to NHTSA's Traffic Safety Fact Sheet, in 2022, three primary-law states, Oklahoma, Arkansas, and Mississippi had lower compliance rates than Ohio.

Considering the above data, it is far from guaranteed that changing Ohio's seat belt law from secondary to primary enforcement would improve compliance and save lives.

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<sup>1</sup> <https://www.nhtsa.gov/book/countermeasures-that-work/seat-belts-and-child-restraints/countermeasures/legislation-and-licensing/primary-enforcement>



## **Privacy and Civil Rights Concerns**

The National Motorists Association has always had a very good relationship with law enforcement and supports appropriate enforcement of reasonable traffic laws. But being stopped by the police is not a trivial matter, no matter how professional and courteous the police officer is. Encounters with law enforcement are often stressful and sometimes fraught with danger. Studies have shown that this is especially true for members of certain minority communities who are disproportionately stopped and searched by police. Adding an additional excuse for stopping otherwise law-abiding motorists for what amounts to a minor violation will erode the trust between government officials and the public. At a time when that trust has been stretched thin, our society can little afford to further damage this fragile relationship. As the California Appellate Court, in *People vs. Goulet* noted, “Enforcement of laws which are widely perceived as unreasonable and unfair generates disrespect and even contempt toward those who make and enforce those laws”.

## **Classic Car Owners Will Be at Risk for Mistaken Enforcement**

Many NMA members own and drive classic vehicles, many of which were manufactured prior to the advent of shoulder belts. These vehicles have only lap belts which cannot be seen by even the most observant officer. If Ohio moves to primary enforcement of seat belt laws, these classic car drivers will be at risk for being mistakenly stopped by the police whenever they are traveling on Ohio roadways. Since no police officer could be expected to know which of these vehicles were built prior to shoulder restraints, the default will be to stop the drivers of these vehicles to ascertain compliance. This would quickly become an untenable situation for classic car enthusiasts.

## **Alternative Solutions**

Ohio need not change to primary enforcement of seat belt laws to gain greater compliance. The NMA supports additional education of the benefits of seat belt use rather than enhanced enforcement. In fact, the bill identifies such an educational opportunity. Rather than offering drivers stopped for failing to use their seat belt the choice of viewing an educational video, the NMA supports making this video part of the licensing requirement for all new drivers. This option would engrain a culture of seat belt usage from an early age and is likely to result in higher seat belt usage than a punitive police centered enforcement approach.

For these reasons, we ask for your NO vote on HB 536, and instead pursue additional educational opportunities for promoting the safety benefits of seat belt usage.

Thank you for your consideration.

Sincerely,

Jay Beeber  
Executive Director - Policy  
National Motorists Association