

Florida's New Seatbelt Law

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Although Florida has had laws governing the use of seatbelts since 1986, these laws are about to become much tougher. As a result of new legislation passed during the 2009 legislative session, Florida drivers will soon be truly required to buckle up, because police officers will have more power to enforce the seatbelt laws.

Under the new law, beginning June 30, 2009, Florida drivers can be pulled over for failing to wear a seatbelt and fined \$30.00. This is a primary enforcement law, which means the driver need not be doing anything else wrong to warrant a stop.

This new law provides a stark contrast to the prior seatbelt laws for most drivers in Florida. The previous seatbelt law was a secondary enforcement law, which meant that drivers over 18 could only be stopped and ticketed for failure to wear a seatbelt if they were pulled over for some other violation like expired tags or a broken taillight.

Lawmakers hope that this will increase the number of Florida drivers wearing seatbelts. This seems a likely outcome; according to the National Highway Traffic Safety Administration (NHTSA), 87 percent of drivers wear seatbelts in states with a primary seatbelt law, in contrast to 73 percent of drivers in states with secondary seatbelt laws.

Is The New Law Necessary?

Seatbelts make drivers safer. The fact is, people who wear seatbelts are much more likely to walk away from car accidents than those who do not. Seatbelt use by front seat drivers or passengers reduces the risk of fatal injury by 45 percent and reduces the risk of moderate to critical injury by 50 percent.

States that have primary seatbelt laws increase seatbelt use by 9 percent and if the change in law is combined with a high-visibility enforcement campaign they can expect to see usage increase by 20 percent or more. Florida's seatbelt use rate in 2007 was 79 percent.

The NHTSA estimates that Florida can expect to save 124 lives per year with the new law. More than 1,700 people will be spared serious injuries and costs will be reduced more than \$408 million. The NHTSA estimates that Florida could save 184 lives, prevent more than 2,500 serious injuries and save an additional \$605 million annually if seatbelt use increased to 90 percent. Their figures show that seatbelt use saved 857 lives in Florida in 2007 and \$3.8 billion in costs.

Recognizing these benefits, the federal government has provided financial incentives for states to pass primary seatbelt laws as part of the 2005 reauthorization of the Highway Bill known as the Safe, Accountable, Flexible and Efficient Transportation Act. To qualify for the federal money, this primary enforcement seatbelt legislation had to be passed and signed into law by June 30, 2009. By meeting this deadline, Florida will receive \$35.5 million from the federal government.

Opposition to The Law

Given these benefits, one might wonder why it took Florida so long to pass a primary seatbelt law. The fact is, though, not everyone is pleased with this legislation. Many people believe that individuals should be allowed to choose whether or not they wear seatbelts. Although most people think seatbelt use is a good idea, some people feel that such decisions should not be dictated by the government.

Other critics were concerned that primary seatbelt laws would provide police another opportunity to pull someone over based on race or racial profiling. One of the reasons the legislation passed this year was that the Florida Legislative Black Caucus dropped their objections to the bill.

Ultimately, the critics lost this time. The primary enforcement laws will soon be effective, and drivers in Florida will have additional incentives to buckle up. The \$30.00 fine may not seem to be a huge burden, but as tickets begin to accumulate, reluctant drivers are likely to change their behaviors. Hopefully, in turn, car accidents on Florida roads will result in fewer casualties.