



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

DOT HS 807 077
Final Report

January 1987

EVALUATION OF NEW YORK STATE'S MANDATORY OCCUPANT RESTRAINT LAW

Volume IV: Enforcement and Adjudication of Violations of the Law

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1. Report No. DOT HS 807 077		2. Government Accession No.		3. Recipient's Catalog No.	
4. Title and Subtitle EVALUATION OF NEW YORK STATE'S MANDATORY OCCUPANT RESTRAINT LAW - Volume IV Enforcement and Adjudication of Violations of the Law. Final Report				5. Report Date January 1987	
				6. Performing Organization Code	
7. Author(s) Debra H. Rood, Anne T. McCartt, Patricia P. Kraichy, Jane A. Carman				8. Performing Organization Report No.	
9. Performing Organization Name and Address Institute for Traffic Safety Management and Research 260 Washington Avenue Albany, New York 12210				10. Work Unit No. (TRAIS)	
				11. Contract or Grant No. DTNH22-84-C-07467	
12. Sponsoring Agency Name and Address U.S. Department of Transportation National Highway Traffic Safety Administration 400 7th Street, S.W. Washington, D.C. 20590				13. Type of Report and Period Covered Final	
				14. Sponsoring Agency Code	
15. Supplementary Notes Other volumes in series: Vol. I-Observational Surveys of Safety Restraint Use in New York State; Vol. II-Attitudinal Surveys of Licensed Drivers in New York State; Vol. III-Observational Surveys of Safety Restraint Use by Children in New York State					
16. Abstract This is the final report on analyses of the available 1985 enforcement and adjudication data relating to New York State's Mandatory Occupant Restraint Law. In the first year of the law there were over 30,000 violations that resulted in conviction. The number of convictions did not fluctuate substantially throughout the year. Fifty-seven percent were in the Upstate region, 19 percent were in the New York City region and 24 percent were in the Long Island region. Eighty percent of the tickets resulting in a conviction were written for unrestrained drivers, 8 percent for adult front seat passengers, and 12 percent for children. Almost all convictions resulted in a fine, and 90 percent of the fines were \$25 or less. Nearly three-fourths of the persons convicted of a seat belt violation were men, and two-thirds of those convicted were under 35 years of age. In addition, 1985 data on all safety belt violations were available for 17 counties in the State. Three-quarters of the tickets were for unbelted drivers, 8 percent were for adult front seat passengers, and 17 percent were for children. Nearly two-thirds were written on routine patrol and 20 percent were issued during accident investigations. Fifteen percent of the tickets were dismissed and 85 percent resulted in conviction. Nearly half the fines paid were \$10 or less. The results of primary and secondary enforcement could not be differentiated. Low secondary enforcement was evident given the observed usage rates and the number of convictions for other violations. An increase in the actual and perceived risk of enforcement should help raise compliance with the law in the future.					
17. Key Words Mandatory Usage Law, Enforcement, Safety Belts, Mandatory Occupant Restraint Law			18. Distribution Statement Document is available to the U.S. public through the National Technical Information Service, Springfield, VA 22161		
19. Security Classif. (of this report) Unclassified		20. Security Classif. (of this page) Unclassified		21. No. of Pages	22. Price

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EXECUTIVE SUMMARY

New York State's Mandatory Occupant Restraint Law, Section 1229-C of the New York State Vehicle and Traffic Law, was implemented on December 1, 1984. Full enforcement of the law began on January 1, 1985. The law has three subsections, as follows:

- 1229-C(1) Children under the age of four in the back seat must be in child safety seats; children under the age of ten in the back seat must use safety belts.
- 1229-C(2) Front seat passengers under the age of sixteen must use safety belts; children under the age of four in the front seat must be in child safety seats.
- 1229-C(3) Drivers and front seat passengers sixteen years of age and older must use safety belts.

The penalty for violating the law is a maximum fine of fifty dollars. Primary enforcement of the law is allowed; that is, persons not restrained can be stopped and ticketed, even if no other violation of the law is evident. Persons convicted for noncompliance do not receive penalty points on their driver's licenses.

As part of a comprehensive impact evaluation of the law, the Institute for Traffic Safety Management and Research conducted analyses of available enforcement and adjudication data for 1985. This report presents the results of these analyses. The primary objective was to identify: 1) the number of convictions for violations of the law, 2) the characteristics of persons convicted for noncompliance, 3) the types of the violations committed, and 4) the penalties imposed.

CONVICTIONS

Information on convictions for violations of the Mandatory Occupant Restraint Law was obtained from the New York State Department of Motor Vehicles' automated driver's license file. According to data drawn from this file, there were 30,243 violations of the law in 1985 that resulted in conviction. The number of convictions did not vary substantially from month to month. The majority of these convictions (57%) occurred in the Upstate region, with one-fifth occurring in New York City and one-quarter on Long Island. The number of convictions was compared to the number of licensed drivers and the number of registered vehicles covered by the law to compute two types of conviction rates. New York City's conviction rate per 1,000 licensed drivers was lower than the other two regions. However, both New York City and the Upstate region had conviction rates of 3.4 convictions for every 1,000 registered vehicles covered by the law, compared to a rate of 3.8 on Long Island. Analysis of demographic characteristics found that nearly three-fourths (73%) of the persons convicted of a safety belt violation were men, and two-thirds (68%) of those convicted were under 35 years of age.

Information on the specific provision of the law that was violated was provided for 68 percent of the convictions. Of the convictions for which this information was available, 80 percent of the convictions involved a driver who was not restrained, eight percent involved an adult front seat passenger, and 12 percent involved children riding as passengers. On a regional basis, the proportion of convictions for unbelted drivers ranged from 77 percent Upstate to 92 percent in New York City. A slightly higher proportion of women than men were convicted as an unbelted front seat passenger or because they were transporting children who were not properly restrained.

A conviction for violating the occupant restraint law can result in the imposition of a fine or an unconditional or a conditional discharge. Ninety-one percent of the persons convicted statewide received a fine rather than a conditional or an unconditional discharge. Over ninety percent of the fines levied were \$25 or less.

The disposition of convictions did not vary appreciably by sex or age, but regional differences in dispositions were identified. In New York City and the Long Island region, nearly all convictions resulted in a fine. In the Upstate region, however, 15 percent of the persons convicted received an unconditional or a conditional discharge. The variation in the amount of fines was greatest in the Upstate region.

VIOLATIONS

In addition to the statewide information on convictions, data on safety belt violations were obtained for 17 counties within the Traffic Safety Law Enforcement and Disposition (TSLE&D) system. Because the TSLE&D system uses a uniform traffic ticket that allows for the computerized tracking of all tickets from the time of issuance to the final disposition in court, the system includes data on tickets that result in a dismissal or acquittal, as well as tickets resulting in a conviction. Therefore, the level of enforcement activity, reflected in the number of tickets issued, and the conviction rate could be determined for the TSLE&D counties.

TSLE&D was operational in 17 upstate counties from the beginning of 1985. Since the data on safety belt violations were limited to this 17-county area, they may not be representative of the enforcement patterns statewide.

During 1985, 7,378 tickets were issued in the 17 TSLE&D counties. Three-fourths of the tickets that were issued were written to unbelted drivers, eight percent were to adult front seat passengers and 17 percent were to drivers with an unrestrained child. Almost two-thirds (65%) were issued while the enforcement officer was performing regular road patrol duties. Another 21 percent of the tickets were issued during an accident investigation. Fourteen percent were issued during special enforcement activities involving the use of radar or road checks. Seventy percent of the persons ticketed in the TSLE&D counties were men, and 40 percent were under 25 years of age.

Of the 6,648 tickets for which disposition data were available at the time this report was compiled, 85 percent resulted in a conviction. Seventy percent of the tickets resulted in the imposition of a fine. Nearly half of these fines were \$10 or less. The types of dispositions and the amounts of the fines were similar for men and women and for each age group.

DISCUSSION

Several issues related to the results of these analyses warrant further discussion. An important feature of New York State's safety belt law is the provision allowing primary enforcement. The conviction data available show that 28 percent of the persons convicted of violating the occupant restraint law in 1985 were convicted of at least one other traffic offense at the same time. However, the proportions of convictions attributable to primary and secondary enforcement cannot be definitively determined.

In an examination of the extent of primary and secondary enforcement, the restraint usage rates and the number of convictions for other traffic violations are also relevant factors. A series of observational surveys found that restraint usage by front seat occupants was as high as 75 percent in January 1985, but declined to 57 percent statewide in April 1985 and 46 percent in September 1985. These findings indicate that a large proportion of front seat occupants were not buckling up in 1985. Furthermore, while the number of safety belt convictions was roughly comparable to the number of convictions for several other traffic offenses, it was only a small fraction of the convictions for speeding or failure to obey a stopping signal. The observed levels of safety belt use and the number of convictions for other traffic offenses indicate that the law was not being enforced fully on either a primary or a secondary basis.

It is clear that the level of enforcement could be increased substantially. However, New York's strategy in the first year was to emphasize the message that safety belt use has positive safety benefits and encourage the habit of buckling up, rather than promote tough enforcement. This educational approach may have prevented the backlash against the law that has occurred in some other jurisdictions, but it also may have contributed to a low perception of the risk of being stopped for noncompliance.

Attitudinal surveys of licensed drivers found that the decline in restraint use from April to September 1985 occurred at the same time that a decrease in the perception of risk was measured. The perception changed even though there was no substantial fluctuation in the number of convictions throughout the year. These findings indicate that increasing the perceived risk of enforcement may be one means to increase restraint

usage. Since these attitudinal surveys also indicated that the majority of drivers in the State remained in favor of the law throughout the year, it may be time to try a more aggressive strategy to increase usage.

The relationships among enforcement, the perception of risk, and usage are being tested in various jurisdictions in New York State. The goal is to identify a strategy to increase both the actual enforcement level as well as the perception of risk. State officials are also studying the issue of appropriate penalties for noncompliance.

Preliminary data indicate that the number of tickets issued in 1986 for violations of the safety belt law will likely double the 1985 total. Completion of the statewide implementation of the TSLE&D system will permit New York State to develop a better understanding of enforcement and adjudication practices in 1986 and subsequent years.

1. INTRODUCTION

BACKGROUND OF THE LAW

For many years New York State has been a leader in promoting the use of safety restraints as an important measure for improving highway safety. In working toward the goal of restraint use by all vehicle occupants, traffic safety proponents in New York State adopted an incremental approach.

In the early 1960s, prior to the 1966 Federal mandate, New York required that all new automobiles sold in the State be equipped with safety belts. In 1982, a principal recommendation of the Governor's Task Force on Alcohol and Highway Safety was the implementation of mandatory occupant restraint legislation. Mandated safety restraint use was cited as the most cost-effective means of protecting all vehicle occupants involved in traffic accidents.

In April 1982, New York State implemented one of the strictest child restraint laws in the nation. Since that time, restraint use has been required for all children under the age of five. Children under four years of age must be restrained in Federally-approved child restraint devices. The law allows for the substitution of safety belts for children between the ages of four and five. In April 1984, New York State enacted legislation that expanded mandatory restraint use to children under the age of seven and provided that the requirement be extended by 1987 to all children under ten years of age.

In the early 1980s, New York State also began to require mandatory restraint use by certain categories of drivers. In March 1983, drivers with learner permits were required by the Commissioner of Motor Vehicles to

use safety restraints. Early in the 1984 Legislative session, a law was passed that required drivers with probationary licenses to buckle up, beginning in September 1984.

In the early summer of 1984, this incremental approach culminated with New York becoming the first state to enact a more comprehensive mandatory occupant restraint law covering adults and children. Since December 1, 1984, all front seat occupants and children under the age of ten, regardless of seating position, have been required to use safety restraints. Occupants of trucks weighing over 18,000 pounds, emergency vehicles, taxis, buses, and vehicles which pre-date the safety belt installation requirement are exempted. After a one-month warning period, full enforcement of the law began on January 1, 1985.

EVALUATION OF THE LAW

Both Federal and State officials recognized the importance of a comprehensive evaluation of the effectiveness of the nation's first Mandatory Occupant Restraint Law. The Institute for Traffic Safety Management and Research, in cooperation with the National Highway Traffic Safety Administration and the New York State Governor's Traffic Safety Committee, developed a four-part evaluation plan that would assess the effects of the law on:

- 1) observed safety restraint use by front seat occupants and children under ten years of age;
- 2) attitudes, behaviors and perceptions of licensed drivers;
- 3) fatalities and injuries to occupants of vehicles involved in traffic accidents;
- 4) enforcement and convictions for violations.

ANALYSES OF ENFORCEMENT AND ADJUDICATION DATA

This report presents analyses of available enforcement and adjudication data for 1985. The primary objective of these analyses was to identify: 1) the number of convictions for violations of the law in the first year, 2) the characteristics of persons convicted for noncompliance, 3) the types of the violations committed, and 4) the penalties imposed.

Chapter 2 describes the data sources and analysis plan used in this report. Chapter 3 presents information on convictions for violations of the occupant restraint law committed in 1985. Chapter 4 discusses violations of the law for the 17 counties included in the Traffic Safety Law Enforcement and Disposition (TSLE&D) system in 1985. A summary discussion of the results is presented in the final chapter.

2. DATA SOURCES AND ANALYSIS PLAN

SUBSECTIONS OF THE LAW

The Mandatory Occupant Restraint Law is Section 1229-C of the New York State Vehicle and Traffic Law. Subsections of the law are defined as follows:

- 1229-C(1) Children under the age of four in the back seat must be in child safety seats; other children under the age of ten in the back seat must use safety belts.
- 1229-C(2) Front seat passengers under the age of sixteen must use safety belts; children under the age of four in the front seat must be in child safety seats.
- 1229-C(3) Drivers and front seat passengers sixteen years of age and older must use safety belts.

The driver of the vehicle is responsible for compliance with Subsections 1229-C(1) and 1229-C(2) and his or her own use under Subsection 1229-C(3). Front-seat passengers sixteen years of age and older are responsible for themselves and can be fined for noncompliance under Subsection 1229-C(3). The penalty for violating the law is a maximum fine of fifty dollars. No minimum fine is stipulated in the law, and persons convicted for noncompliance do not receive penalty points on their driver's license. Primary enforcement of the law is allowed; that is, persons not restrained can be stopped and ticketed, even if no other violation of the law is evident.

Records of convictions for traffic violations where no license points are assessed are not routinely entered on the Department of Motor Vehicles' automated driver's license file. An exception was made for violations of the safety belt law. In addition, when no record of a New York State driver's license exists, a new record is created on the Department's license file for each adult front seat passenger and/or driver convicted of violating the law.

Each subsection of the law contains two separate provisions for which a violation may be charged. Because of the importance of fully evaluating the effects of the law, it was felt that the notation of any one of the three subsections on the tickets issued would not provide sufficient information to monitor the specific types of violations occurring. Therefore, the Commissioner of Motor Vehicles issued a memorandum to all enforcement agencies and magistrates in the State requiring that additional notations be made on tickets to distinguish among the six situations covered by Section 1229-C: 1) violations of the child restraint provisions for children under four years of age under 1229-C(1) and 1229-C(2); 2) the nonuse of safety belts by older children under 1229-C(1) and 1229-C(2); and 3) noncompliance by drivers and adult front seat passengers under 1229-C(3). A copy of the Commissioner's memorandum and a sample ticket appear in Appendix A.

Modifications in the Department of Motor Vehicles' data entry procedures were required to accommodate the additional detail noted on the tickets and conviction certificates. For the first two months of 1985, tickets and conviction certificates received by the Department were reviewed to determine how many data entry codes were necessary. On February 28, 1985, the Executive Director of the Governor's Traffic Safety Committee issued a memorandum recommending that nine violation codes be established. Six of the codes correspond to the six provisions of the three subsections of the law. The remaining three codes are used when the information describing the violation is incomplete. A listing of these codes appears in Appendix B. It should be noted that the completeness of the information on the violations depends on the individual police officer writing the ticket and varies widely among officers.

DESCRIPTION OF TRAFFIC RECORD SYSTEMS

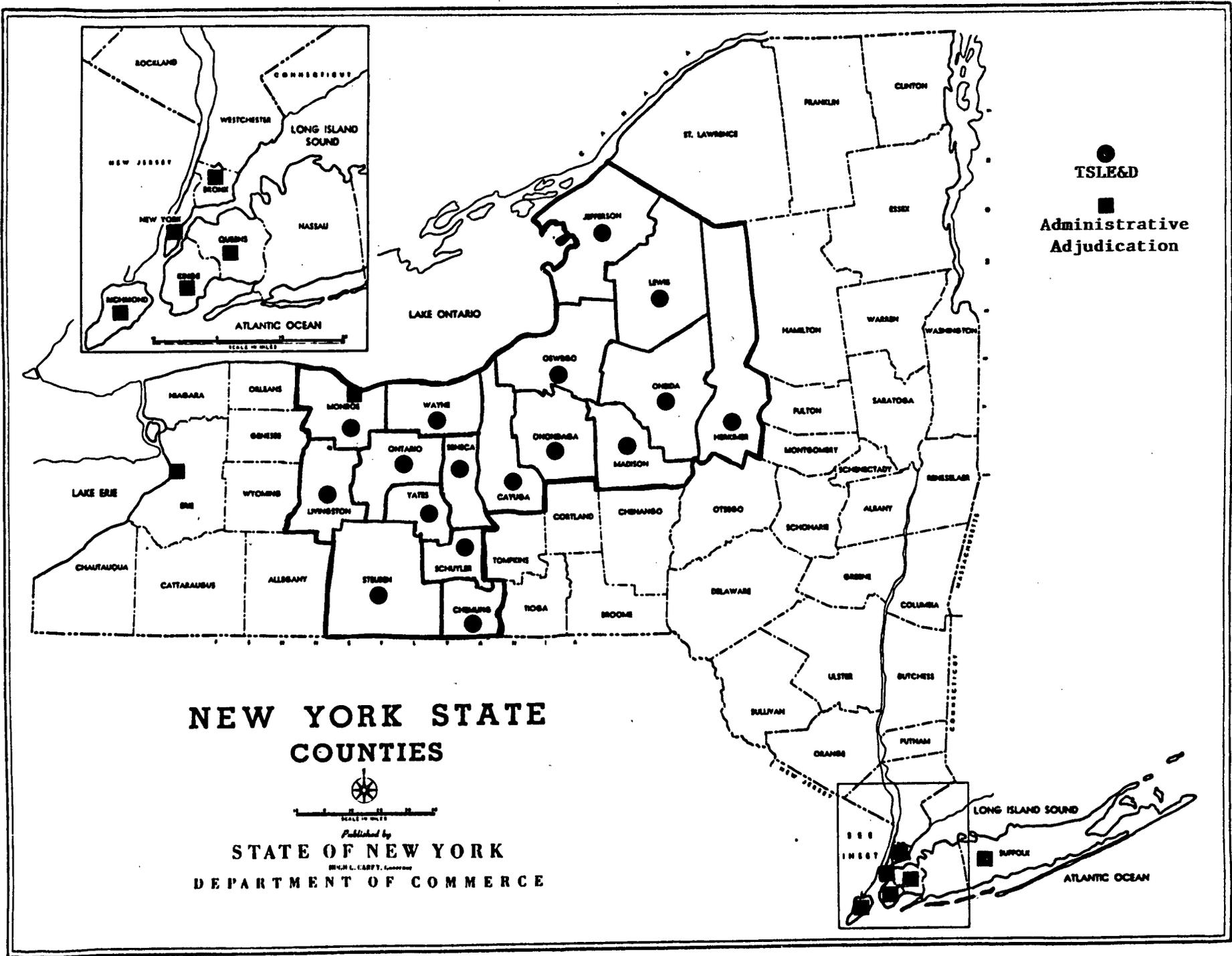
At the time that data were provided for this report, there were three traffic record systems that received data on traffic violations: the Traffic Safety Law Enforcement and Disposition (TSLE&D) Program, the Administrative Adjudication system, and the Department of Motor Vehicles driver's license system. Each of these three systems falls under the jurisdiction of the Department of Motor Vehicles. A description of each system is provided below.

Traffic Safety Law Enforcement and Disposition (TSLE&D)

The TSLE&D system uses a uniform traffic ticket that allows for the computerized tracking of all traffic tickets from the time the tickets are printed, to their assignment to an enforcement agency, through issuance to motorists, to final disposition in the courts. The Department of Motor Vehicles is responsible for administering the system and maintaining the central computerized data files.

At the beginning of 1985, TSLE&D was operating in 17 counties within the State. These counties are indicated on the map provided in Exhibit 2.1. During 1985 TSLE&D was expanded into additional counties in the State and, with the exception of those areas under the Administrative Adjudication program, the system included all areas of the State by June 1986.

After a ticket is issued, the police agency sends a copy of the ticket and the court sends a copy of the disposition to the nearest data entry site (a New York State Police barracks) for entry into the TSLE&D computer file. Information on tickets that result in conviction is then merged with the computerized driver's license file at the Department of Motor Vehicles.



Administrative Adjudication

The Department of Motor Vehicles' Administrative Adjudication Bureau was created in 1970 to alleviate backlogs in the major State court systems caused by cases involving traffic offenses. The system transfers a substantial volume of non-criminal traffic cases from the courts and applies administrative rather than judicial adjudication to these cases. The Administrative Adjudication system presently operates in New York City, the cities of Buffalo and Rochester, and the western part of Suffolk County (Exhibit 2.1).

The system attempts to provide consistent treatment across jurisdictions for cases involving similar violations. Persons convicted of violating the Mandatory Occupant Restraint Law are generally fined \$20 in the Administrative Adjudication system, as are persons convicted of other violations where no penalty points are assigned to the driver's license. The Commissioner of Motor Vehicles has the discretion to set the policy relating to the fines assessed in this system.

Although the Administrative Adjudication system was primarily established to alleviate court backlogs, it also provides for the computerized tracking of tickets. Data on cases adjudicated under this system are entered centrally into a separate traffic records system at the Department of Motor Vehicles in Albany. Records of tickets that result in acquittal or dismissal are routinely purged from the system after six months. Records of convictions are incorporated into the Department of Motor Vehicles' driver's license file.

Driver's License File

The Department of Motor Vehicles' automated driver's license file contains information on the driving histories of persons licensed to drive in New York State. For violations that occur in jurisdictions outside of the TSLE&D counties and the areas covered by Administrative Adjudication, only those violations that result in conviction are reported to the Department of Motor Vehicles. These records of conviction are sent directly by the court of conviction to the Department for entry into the driver's license file. Conviction information entered in the TSLE&D and Administrative Adjudication systems is merged into the general driver's license file. Therefore, the driver's license file contains information on all convictions in the State but lacks information on violations.

ANALYSIS PLAN

Driver's License File

Because the TSLE&D and Administrative Adjudication systems covered only limited geographical areas of the State in 1985, the major analyses focused on conviction data from the driver's license file. These data are available for the entire State. Information on all convictions for violations of the Mandatory Occupant Restraint Law in 1985 was provided by the Department of Motor Vehicles. The following data elements were used in the analyses:

- Violation Code
- Date of violation
- County where violation occurred
- Age of person convicted
- Sex of person convicted
- Date of conviction
- Disposition (penalty)

The primary objectives of these analyses were to determine how many convictions occurred statewide during the first year of the law and to identify any regional differences in the number of convictions. Also of interest were: the characteristics of persons convicted, the specific types of violations that were committed, and the penalties imposed.

In addition, information was also supplied on convictions for other traffic violations occurring at the same time as the safety belt violation. This was the only information available to assess the use of primary and secondary enforcement.

Traffic Safety Law Enforcement and Disposition (TSLE&D)

Analyses of TSLE&D data were conducted to provide additional information not available on the driver's license file. Information was obtained for violations occurring in the 17 counties of the State for which a full year of 1985 data was available. Because the TSLE&D system tracks all tickets from issuance through final disposition, the level of enforcement activity, reflected in the number of tickets issued, and the conviction rate in these counties could be determined. Of particular interest were the proportion of tickets that were dismissed and the identification of any patterns among the tickets for which no penalty was imposed. Additional information was also analyzed, including the type of police agency involved (state, county or local) and the type of enforcement activity that resulted in a ticket.

Administrative Adjudication

Because records of tickets resulting in acquittal or dismissal are routinely purged from the Administrative Adjudication file after six months, a complete year of data on all tickets was not available. In addition, information on violations resulting in conviction is included in the Department of Motor Vehicles' driver's license file. Therefore, separate analyses of the Administrative Adjudication file were not conducted.

**3. CONVICTIONS FOR 1985 VIOLATIONS
OF THE OCCUPANT RESTRAINT LAW**

INTRODUCTION

This chapter presents the results of data analyses on convictions for violations of New York State's Mandatory Occupant Restraint Law. As explained in Chapter 2, these data come from the Department of Motor Vehicles' automated driver's license file and represent all tickets issued for safety restraint violations that resulted in conviction.

Information on the total number of convictions statewide is presented. In addition, the data are also analyzed by: region of the State, the sex of the person ticketed, and the age of the person ticketed. For the regional analyses, the 62 counties of the State are grouped into three regions. New York City comprises one region and includes the counties of the Bronx, Kings (the Borough of Brooklyn), New York (the Borough of Manhattan), Queens, and Richmond (the Borough of Staten Island). A second region, "Long Island," is composed of Nassau and Suffolk Counties. These two heavily populated counties, located on Long Island, New York, differ in many significant respects from New York City and the rest of the State. The remaining 55 counties in the State form the third "Upstate" region.

STATEWIDE AND REGIONAL CONVICTIONS

As of July 1986, information from the Department of Motor Vehicle's driver's license file indicated that in 1985 there were 30,243 violations of New York State's Mandatory Occupant Restraint Law that resulted in conviction. This total is estimated to represent 95 percent of the 1985 violations that will result in conviction. Table 3.1 shows the number of statewide convictions by the month in which the violation occurred. The number of convictions did not vary substantially from month to month.

TABLE 3.1

1985 STATEWIDE SAFETY BELT VIOLATIONS
RESULTING IN CONVICTION BY MONTH OF VIOLATION

	<u>Number</u>	<u>Percent of Annual Total</u>
January	2686	8.9
February	2259	7.5
March	2755	9.1
April	2597	8.6
May	2770	9.2
June	2684	8.9
July	2612	8.6
August	2461	8.1
September	2334	7.7
October	2671	8.8
November	2314	7.7
December	<u>2100</u>	<u>6.9</u>
1985 TOTAL	30243	100.0

Table 3.2 provides the total number of convictions in each region of the State. The majority of convictions (57%) occurred in the Upstate region. Approximately one-fifth of the convictions occurred in New York City, and one-quarter took place on Long Island.

Table 3.2 also shows the number of convictions per 1,000 licensed drivers in each region and statewide. The statewide conviction rate per 1,000 licensed drivers was 3.1. The rate in New York City (2.2) was much lower than the rate for Long Island (3.8) or the Upstate region (3.3). Differences among the regions in driving habits, vehicle miles travelled and enforcement practices may account for some of the variation in these conviction rates.

Regional conviction rates were also computed based on the number of registered passenger cars and an estimate of the number of registered commercial vehicles under 18,000 pounds. Comparisons of these regional rates indicate that the conviction rate in the New York City region was comparable to the rate in the Upstate region (3.4 per 1,000 vehicles), and only slightly lower than on Long Island (3.8 per 1,000 vehicles).

<u>TABLE 3.2</u>			
1985 STATEWIDE AND REGIONAL SAFETY BELT CONVICTIONS			
	Convictions (N=30243) %	Number of Convictions Per 1,000 Licensed Drivers*	Number of Convictions Per 1,000 Registered Vehicles**
Upstate	56.9	3.3	3.4
New York City	19.1	2.2	3.4
Long Island	<u>24.0</u>	3.8	3.8
STATEWIDE	100.0	3.1	3.5
<p>*Based on the number of licensed drivers in 1985, NYS Department Motor Vehicles.</p> <p>**Based on the number of registered passenger vehicles and an estimate of the number of registered commercial vehicles covered by the law, NYS Department of Motor Vehicles, 1985.</p>			

As explained in Chapter 2 of this report, the Department of Motor Vehicles' file contains information on the specific provision of the law that was violated, if this information was provided by the enforcement officer. It should be noted that the subsection of the law was not reported for 16 percent of the convictions. In addition, 12 percent of the conviction records indicate that the ticket was written to an adult in the front seat but do not distinguish between the driver and the passenger. Another four percent of the violations were written because a child was not restrained, but the age or seating position of the child was not specified. Table 3.3 provides information on the type of violation for the remaining 68 percent of the convictions.

Of the violations for which information is available, a large majority of the tickets resulting in conviction were written for unbelted drivers. Approximately 80 percent of the convictions statewide involved a driver who was unbelted. On a regional basis, the proportion of convictions for unbelted drivers ranged from 77 percent Upstate to 92 percent in New York City.

TABLE 3.3

1985 STATEWIDE AND REGIONAL SEAT BELT
CONVICTIONS BY TYPE OF VIOLATION*

	Statewide (N=20177) %	Upstate (N=12388) %	New York City (N=3918) %	Long Island (N=3871) %
Driver	80.3	76.6	91.5	81.1
Front Seat Passenger				
Age 0-3	1.0	1.3	0.0	1.1
Age 4-15	4.3	5.4	1.9	2.9
Age 16 and older	8.2	9.2	4.4	8.9
Back Seat Passenger				
Age 0-3	5.0	6.2	2.2	3.6
Age 4-9	<u>1.2</u>	<u>1.3</u>	<u>0.0</u>	<u>2.4</u>
	100.0	100.0	100.0	100.0

*Based on those convictions (68% of total convictions) where complete information on the type of violation was available

DISPOSITIONS

When a seat belt ticket results in a conviction in New York State, three dispositions are possible. A fine can be levied, the ticket can be discharged unconditionally, or the ticket can be discharged conditionally, with or without a fine. In the case of an unconditional discharge, the person is found guilty of the violation, but no penalty is imposed. Under a conditional discharge, the person may receive a fine and is also subject to other conditions established by the court. Table 3.4 shows the dispositions for each type of violation. Between 80 and 90 percent of the convictions for each type of violation of the law resulted in fines. The

highest rates of conditional discharges occurred among drivers ticketed for transporting young children without using a child safety seat or for older children riding unbelted in the front seat. New York State's 1982 Child Restraint Law allowed the fine to be waived if proof of the purchase of a child safety seat was presented. It is likely that this condition is still being used by the courts. Information on other possible conditions of discharge was not available. Because of space limitations in the Department of Motor Vehicles' computerized records, when a person is given a fine and a conditional discharge, only the conditional discharge is noted on the person's record. However, for an offense like a violation of the occupant restraint law, a conditional discharge is not usually accompanied by a fine.

TABLE 3.4

1985 STATEWIDE DISPOSITIONS BY TYPE OF VIOLATION*

	Driver (N=16208)		Front Seat Passenger Age 16 and Older (N=1661)	
	Fine	90.6		88.6
Conditional Discharge	6.1		7.0	
Unconditional Discharge	<u>3.3</u>		<u>4.4</u>	
	100.0		100.0	
	Back Seat Passenger		Front Seat Passenger	
	Age 0-3 (N=996)	Age 4-9 (N=252)	Age 0-3 (N=199)	Age 4-15 (N=861)
Fine	80.8	88.9	82.0	83.8
Conditional Discharge	11.8	6.7	9.0	9.9
Unconditional Discharge	<u>7.4</u>	<u>4.4</u>	<u>9.0</u>	<u>6.3</u>
	100.0	100.0	100.0	100.0

*Based on those convictions (68% of total convictions) where complete information on the type of violation was available.

Table 3.5 provides statewide and regional data on dispositions and the amounts of the fines that were levied. Over 90 percent of all convictions statewide resulted in a fine. Over 90 percent of these fines were \$25 or less, and one-quarter were \$10 or less. Only five percent of the persons convicted received a fine of \$50, the maximum fine allowed under the law.

The type of disposition and the amount of the fines varied by region. In the New York City and Long Island regions, virtually all convictions resulted in a fine. In the Upstate region, however, 15 percent of the persons convicted received an unconditional or a conditional discharge. In all three regions, over 90 percent of the fines were also \$25 or less. Eighty-seven percent of the fines levied in New York City were \$20 and less than one percent received the maximum fine of \$50. Of the fines on Long Island, 35 percent were \$20, 25 percent were \$15, and 23 percent were within the \$21-25 range. Slightly over five percent received \$50 fines. The variation in the amount of fines was greater Upstate, where 42 percent of the fines were \$10 or less, 13 percent fell within the range of \$11-\$15, 18 percent were \$20, and 28 percent were greater than \$20, with six percent receiving the maximum fine of \$50.

Some portion of the regional differences in the type of disposition and the variation in fines can be attributed to the fact that all of New York City and part of the Long Island region are included in the Administrative Adjudication system. This system, administered by the Department of Motor Vehicles, attempts to adjudicate similar violations in a consistent fashion, and persons convicted of an occupant restraint violation are generally fined \$20.

TABLE 3.5

1985 STATEWIDE AND REGIONAL SEAT BELT
CONVICTIONS BY TYPE OF DISPOSITION

DISPOSITION	Statewide (N=30243) %	Upstate (N=17210) %	New York City (N=5765) %	Long Island (N=7268) %
Fine	90.6	85.0	99.9	96.7
Conditional Discharge	6.1	9.5	<0.1	2.7
Unconditional Discharge	<u>3.3</u>	<u>5.5</u>	<u><0.1</u>	<u>0.6</u>
	100.0	100.0	100.0	100.0
<hr/>				
AMOUNT OF FINE*	(N=27345)	(N=14581)	(N=5762)	(N=7002)
\$10 and less	24.7	41.5	3.9	6.9
\$11 - \$15	13.5	12.8	1.0	25.4
\$16 - \$20	36.9	17.8	86.9	35.4
\$21 - \$25	16.9	18.7	4.3	23.4
\$26 - \$50	<u>8.0</u>	<u>9.2</u>	<u>3.9</u>	<u>8.9</u>
	100.0	100.0	100.0	100.0
<hr/>				
*Information on the amount of fine was missing for some convictions.				

DEMOGRAPHIC CHARACTERISTICS

The age and sex of persons convicted of safety belt violations were also analyzed (Table 3.6). As explained in the introduction to this report, the driver of a vehicle is held responsible if he or she is not restrained or if any child covered by the law is not restrained. Adult front seat passengers (persons 16 years or older) are held accountable for their own compliance with the law.

<u>TABLE 3.6</u>			
1985 STATEWIDE SAFETY BELT CONVICTIONS AND CONVICTION RATE BY SEX AND AGE			
SEX	Convictions (N=30243) %	Number of Licensed Drivers	Convictions per 1,000 Licensed Drivers
Men	73.3	5,330,059	4.2
Women	<u>26.7</u>	<u>4,511,150</u>	1.8
	100.0	9,841,209	
<hr style="border-top: 1px dashed black;"/>			
AGE GROUPS			
16-24 years	37.4	1,528,080	7.4
25-34 years	30.2	2,361,765	3.9
35-44 years	17.0	2,009,570	2.6
45-54 years	8.3	1,388,118	1.8
55+ years	<u>7.1</u>	<u>2,553,676</u>	0.8
	100.0	9,841,209	

Table 3.6 shows that nearly three-fourths of those convicted of a safety belt violation were men. When the number of male and female licensed drivers in the State is taken into account, the rate at which men received convictions is well over twice the rate for women (4.2 compared to 1.8 convictions per 1,000 licensed drivers).

Two-thirds of the convictions occurred among persons 34 years of age or younger. Since persons 16 to 34 years of age account for only 40 percent of the State's driving population, these younger age groups were overrepresented in the group of persons convicted. The conviction rate per licensed driver was highest for persons 16 to 24 years and, in general, was inversely related to age.

Table 3.7 analyzes the types of violations committed by men and women and by each age group. Women were more likely than men to have been convicted for violations as front seat passengers and for having children not restrained in the vehicle. This finding is not surprising, since women probably ride more often as passengers than men, and female drivers are probably more likely to have children as passengers. There was little difference in the types of violations among the age groups. The highest proportion of convictions for unbelted front seat passengers age 16 and older occurred among the youngest age group. Not surprisingly, the percentage of convictions for child passengers was highest for drivers 25-44 years of age, those most likely to be the parents of young children.

TABLE 3.7

SEX AND AGE OF PERSONS CONVICTED STATEWIDE
BY TYPE OF VIOLATION*

	Men (N=14705) <u>%</u>	Women (N=5472) <u>%</u>
Driver	84.1	70.0
Front Seat Passenger		
Age 0-3	0.7	1.7
Age 4-15	3.4	6.8
Age 16 and older	7.2	11.0
Back Seat Passenger		
Age 0-3	3.5	8.8
Age 4-9	<u>1.1</u>	<u>1.7</u>
	100.0	100.0

	16-24 years (N=7528) <u>%</u>	25-34 years (N=6028) <u>%</u>	35-44 years (N=3466) <u>%</u>	45-54 years (N=1678) <u>%</u>	55 years and older (N=1477) <u>%</u>
Driver	80.3	77.1	79.6	86.6	88.1
Front Seat Passenger					
Age 0-3	0.5	1.8	1.1	0.4	0.7
Age 4-15	2.9	5.5	6.0	3.4	3.2
Age 16 and older	12.9	6.5	4.6	4.4	4.3
Back Seat Passenger					
Age 0-3	2.8	7.6	6.5	3.8	2.5
Age 4-9	<u>0.6</u>	<u>1.5</u>	<u>2.2</u>	<u>1.4</u>	<u>1.2</u>
	100.0	100.0	100.0	100.0	100.0

*Based on those convictions (68% of total convictions) where complete information on the type of violation was available

Table 3.8 shows the dispositions of safety belt convictions for each age group and for men and women. There were only slight differences in the dispositions between men and women and among the five age groups. Approximately 90 percent of men and women and the persons in each age group received a fine.

<u>TABLE 3.8</u>					
1985 STATEWIDE DISPOSITIONS BY SEX AND AGE*					
	Men (N=22168)		Women (N=8075)		
	<u>%</u>		<u>%</u>		
Fine	91.4		88.4		
Conditional Discharge	5.6		7.4		
Unconditional Discharge	<u>3.0</u>		<u>4.1</u>		
	100.0		100.0		

	16-24 years (N=11255)	25-34 years (N=9129)	35-44 years (N=5152)	45-54 years (N=2524)	55 years and older (N=2153)
	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
Fine	90.5	90.5	91.3	90.8	89.2
Conditional Discharge	6.1	6.0	5.7	6.7	6.8
Unconditional Discharge	<u>3.4</u>	<u>3.5</u>	<u>3.0</u>	<u>2.5</u>	<u>4.0</u>
	100.0	100.0	100.0	100.0	100.0

*Information on age was missing for some convictions.					

Tables 3.9 and 3.10 present analyses of safety belt convictions by age and sex for each region. The Upstate and Long Island regions were similar in the proportion of men and women convicted of safety belt violations. In both regions there were two to two-and-a-half times more men convicted than women. In New York City, an even greater proportion of those convicted were men (more than four times the number of women). This may be explained partially by the greater discrepancy in the number of male and female licensed drivers in New York City, where 61 percent of the drivers are men, compared to 52 percent in the other two regions.

<u>TABLE 3.9</u>			
1985 REGIONAL SEAT BELT CONVICTIONS AND CONVICTION RATE BY SEX			
	<u>Convictions</u> %	<u>Number of</u> <u>Licensed</u> <u>Drivers*</u>	<u>Convictions</u> <u>per 1,000</u> <u>Licensed Drivers</u>
UPSTATE (N=17210)			
Men	70.6	2,712,900	4.5
Women	<u>29.4</u>	<u>2,529,249</u>	2.0
	100.0	5,242,149	
NEW YORK CITY (N=5765)			
Men	86.8	1,594,379	3.1
Women	<u>13.2</u>	<u>1,031,468</u>	0.7
	100.0	2,625,847	
LONG ISLAND (N=7268)			
Men	69.0	984,807	5.1
Women	<u>31.0</u>	<u>921,964</u>	2.4
	100.0	1,906,771	
*The number of licensed drivers reflects only those drivers for whom a county of residence was known.			

The Upstate and Long Island regions were also very similar in the age distribution of persons convicted. A smaller proportion of drivers 16-24 years of age were convicted in New York City. This may be explained partially by driving restrictions placed on young drivers in this region.¹

<u>TABLE 3.10</u>			
1985 REGIONAL SAFETY BELT CONVICTIONS BY AGE			
	Upstate (N=17210) <u>%</u>	New York City (N=5765) <u>%</u>	Long Island (N=7268) <u>%</u>
AGE GROUPS			
16-24 years	39.2	29.6	38.9
25-34 years	29.9	33.0	28.7
35-44 years	15.9	20.6	16.9
45-54 years	7.9	9.8	8.2
55+ years	<u>7.1</u>	<u>7.0</u>	<u>7.3</u>
	100.0	100.0	100.0

SUMMARY

Information on convictions for violations of the occupant restraint law was obtained from the New York State Department of Motor Vehicles' automated driver's license file. According to data drawn from this file, there were 30,243 violations of the law in 1985 that resulted in conviction. Ninety-one percent of the persons convicted statewide received a fine. Over 90 percent of the fines levied were \$25 or less.

¹ Residents of New York State are eligible for Class 6 or "Junior" licenses at 16 years of age. However, additional restrictions are placed on drivers with Class 6 licenses driving in New York City. This may cause many New York City residents to delay obtaining licenses until 18 years of age.

The majority of the convictions (57%) occurred in the Upstate region, with one-fifth occurring in New York City and one-quarter on Long Island. Nearly three-fourths of the persons convicted were men, and two-thirds were under 35 years of age. Most of the convictions (80%) statewide involved a driver who was not restrained.

Regional differences in the disposition of convictions were identified. New York City and part of the Long Island region are covered by the Administrative Adjudication system. In these areas, nearly all convictions resulted in a fine. In the Upstate region, mainly administered by local judges, 15 percent of the persons convicted received an unconditional or a conditional discharge. The conviction rate per licensed driver was higher for men in New York City than in the other two regions and somewhat lower for the age group of 16-24 years.

4. TICKETS ISSUED IN 1985 FOR COUNTIES IN THE TRAFFIC
SAFETY LAW ENFORCEMENT AND DISPOSITION SYSTEM

INTRODUCTION

This chapter presents analyses of tickets issued for violations of the Mandatory Occupant Restraint Law, whether or not those tickets resulted in a conviction. The information was drawn from the Traffic Safety Law Enforcement and Disposition (TSLE&D) system. Since the TSLE&D system includes all tickets that are issued, including those that subsequently result in a dismissal or an acquittal, these data provide a full measure of the level of enforcement in those counties included in the TSLE&D system.

As explained in Chapter 2, when enforcement of the Mandatory Occupant Restraint Law began in January 1985, 17 counties were included in the TSLE&D system. This chapter will focus on seat belt tickets issued in these counties during 1985. Exhibit 2.1 in Chapter 2 provides a map of New York State, with these counties indicated. In 1985, approximately 29 percent of the licensed drivers in Upstate New York resided in these 17 counties. With the exceptions of Monroe and Onondaga, these counties are primarily rural. It should be pointed out that these counties are not representative of many other areas of the State, especially New York City and Long Island. Therefore, the results presented here may not be indicative of enforcement efforts statewide.

VIOLATIONS

In 1985, the first year of New York State's Mandatory Occupant Restraint Law, 7,378 tickets were issued in the 17 TSLE&D counties. This translates into approximately five tickets for every 1,000 licensed drivers in this area. Safety restraint tickets issued during each month are shown in Table 4.1. The number of tickets rose substantially in April over the prior three months and remained at about this level until December, when

the number declined. The relatively low number of tickets issued in January, February, March and December may be attributable to reduced driving during the winter months rather than to changes in the level of enforcement.

TABLE 4.1

1985 SAFETY BELT TICKETS
IN 17 TSLE&D COUNTIES

	<u>Number</u>	<u>Percent of Annual Total</u>
January	501	6.8
February	384	5.2
March	560	7.6
April	701	9.5
May	727	9.9
June	630	8.5
July	683	9.2
August	637	8.6
September	588	8.0
October	713	9.7
November	752	10.2
December	<u>502</u>	<u>6.8</u>
1985 TOTAL	7,378	100.0

In the TSLE&D system, the subsection of the law that was violated is entered into the computer file. In addition, drivers and front seat passengers are coded separately. Fewer than one percent of the TSLE&D records did not note the type of violation.

Table 4.2 shows the types of safety belt violations for which tickets were written. Three-quarters of the tickets were issued because the driver was unbelted. Another 17 percent were written because children under 16 were riding unbelted or without a child restraint seat, and eight percent were issued to unrestrained adult front seat passengers.

<u>TABLE 4.2</u>	
1985 SAFETY BELT TICKETS BY TYPE OF VIOLATION IN 17 TSLE&D COUNTIES	
	(N=7378)
	<u>8</u>
Driver	75.1
Front Seat Passenger Age 16 and Older	7.7
Front Seat Passenger Age 0-15	6.9
Back Seat Passenger Age 0-9	9.6
Unspecified Occupant	<u>0.7</u>
	100.0

Tickets for violations of the law were issued by all levels of enforcement agencies. Table 4.3 shows the number issued by the New York Division of State Police, County Sheriffs' patrols and local police agencies. Forty-two percent of the tickets were written by State Police officers. This percentage reflects the major enforcement role played by the State Police in rural areas. In more urbanized areas of the State the enforcement duties fall more heavily on municipal agencies.

<u>TABLE 4.3</u>	
1985 SAFETY BELT TICKETS BY ENFORCEMENT AGENCY IN 17 TSLE&D COUNTIES	
ENFORCEMENT AGENCY	(N=7378) <u>%</u>
New York State Police	42.4
County Sheriff	26.3
Local Police Agencies	<u>31.3</u>
	100.0

In addition to identifying the enforcement agency, the TSLE&D system also records the type of enforcement that resulted in the issuance of the ticket. The majority (65%) of safety belt tickets issued in the TSLE&D counties were issued on regular road patrols (Table 4.4). Tickets given during accident investigations accounted for another 21 percent of the total tickets. Most of these investigations involved an accident in which a personal injury occurred. The remaining 14 percent were issued during special enforcement activities involving the use of radar or road checks.

TABLE 4.4

1985 SAFETY BELT TICKETS BY TYPE OF ENFORCEMENT
IN 17 TSLE&D COUNTIES

	(N=7378) <u>%</u>
Patrol	64.5
Radar	6.4
Road Check	7.6
Investigation of a Personal Injury Accident	14.1
Investigation of a Property Damage Accident	6.6
Investigation of a Fatal Accident	0.3
Other	<u>0.5</u>
	100.0

DISPOSITIONS

At the time data were supplied for this report, the TSLE&D system contained disposition data for 6,648 tickets issued in the 17-county area during 1985. Table 4.5 shows the type of disposition and the fines assessed. Eighty-five percent of the tickets resulted in a conviction and 15 percent were dismissed. This 15 percent dismissal rate may not be indicative of the State as a whole. Since New York City and part of Long Island are included in the Administrative Adjudication system, which disposes of traffic tickets in a more uniform manner than the local court system, the statewide dismissal rate may have been lower.

TABLE 4.5

1985 SAFETY BELT TICKETS BY TYPE OF DISPOSITION
IN 17 TSLE&D COUNTIES

DISPOSITION*	(N=6648) <u>%</u>
Conviction with Fine	69.7
Conviction Discharged Conditionally or Unconditionally	14.9
Dismissal	15.2
Acquittal	<u>0.2</u>
	100.0

AMOUNT OF FINE*	(N=4610) <u>%</u>
\$ 0 - \$10	48.4
\$11 - \$15	14.5
\$16 - \$20	10.2
\$21 - \$25	21.0
\$26 - \$50	<u>5.9</u>
	100.0

*Information on the disposition or amount of fine was missing for some tickets.

Seventy percent of the tickets resulted in a fine. Fifteen percent resulted in either a conditional or an unconditional discharge, with no fine levied. Only six persons receiving a conditional or an unconditional discharge were also fined. Three percent of all persons fined received the maximum fine of \$50. Nearly half of the fines were \$10 or less.

Table 4.6 shows the dispositions for each type of violation. Tickets written because of unrestrained children were more likely to be dismissed or discharged.

<u>TABLE 4.6</u>				
1985 SAFETY BELT TICKETS BY TYPE OF DISPOSITION AND TYPE OF VIOLATION* IN 17 TSLE&D COUNTIES				
	Driver (N=4994) %	Front Seat Passenger Age 16 and Older (N=503) %	Age 0-15 (N=472) %	Back Seat Passenger Age 0-9 (N=630) %
Conviction with fine	71.6	72.2	62.9	59.0
Conviction discharged conditionally or unconditionally	13.6	13.6	17.8	23.1
Dismissal	14.6	13.9	19.3	17.9
Acquittal	<u>0.2</u>	<u>0.3</u>	-	-
	100.0	100.0	100.0	100.0

*Information on the type of violation was missing for some tickets.

DEMOGRAPHIC CHARACTERISTICS

The age and sex of persons issued tickets were also analyzed (Table 4.7). Because tickets issued for unrestrained children are given to the driver, the demographic information in Table 4.7 is based on persons held responsible under the law, not necessarily the persons who were not restrained. Seventy percent of those ticketed for a safety belt violation were men, and over 40 percent of those ticketed were under the age of 25.

<u>TABLE 4.7</u>	
1985 SAFETY BELT TICKETS BY SEX AND AGE* IN 17 TSLE&D COUNTIES	
SEX	(N=7367) <u> </u> %
Men	69.9
Women	<u>30.1</u>
	100.0
AGE GROUPS	(N=7367) <u> </u> %
16-24 years	41.2
25-34 years	30.8
35-44 years	14.9
45-54 years	7.0
55+ years	<u>6.1</u>
	100.0
* Information on sex and age was missing for some tickets.	

Table 4.8 shows that the dispositions of 1985 safety belt violations for men and women and for each age group were similar.

<u>TABLE 4.8</u>					
DISPOSITIONS OF 1985 VIOLATIONS BY SEX AND AGE* IN 17 TSLE&D COUNTIES					
	Men (N=4597) %		Women (N=2051) %		
Conviction with Fine	69.9		69.3		
Conviction With Conditional or Unconditional Discharge	14.2		16.3		
Dismissal	15.7		14.2		
Acquittal	<u>0.2</u>		<u>0.2</u>		
	100.0		100.0		

	16-24 years (N=2684) %	25-34 years (N=2027) %	35-44 years (N=1019) %	45-54 years (N=483) %	55 years and older (N=428) %
Conviction With Fine	70.8	68.3	70.8	71.2	65.2
Conviction With Conditional or Unconditional Discharge	14.2	15.2	14.9	14.7	17.7
Dismissal	14.8	16.2	14.3	14.1	17.1
Acquittal	<u>0.2</u>	<u>0.3</u>	-	-	-
	100.0	100.0	100.0	100.0	100.0

* Information on age was missing for some tickets.					

SUMMARY

In addition to the information available on convictions statewide, data on safety belt violations were obtained for a small number of counties included in the Traffic Safety Law Enforcement and Disposition (TSLE&D) system in 1985. The TSLE&D system includes data on tickets that result in dismissal or acquittal, as well as tickets resulting in conviction.

During 1985, 7,378 tickets were issued in the 17 TSLE&D counties. Three-fourths of the tickets were written to unbelted drivers, and almost two-thirds were issued while the enforcement officer was performing regular road patrol duties. Seventy percent of the persons ticketed in the TSLE&D counties were men, and 40 percent were under 25 years of age.

Of the 6,648 tickets for which disposition data were available, 85 percent resulted in a conviction and 15 percent were dismissed. Seventy percent of the tickets resulted in the imposition of a fine, and nearly half of the fines were \$10 or less. The types of dispositions and the amounts of the fines were similar for men and women and for each age group. Tickets written for unrestrained children were more likely than other types of violations to be dismissed or discharged.

5. DISCUSSION

This report has presented the available information on enforcement and adjudication activity related to New York State's Mandatory Occupant Restraint Law during 1985, the first year of the law's implementation. Several issues related to the results of these analyses warrant further discussion.

An important feature of New York State's safety belt law is the provision allowing primary enforcement. This feature distinguishes New York's law from the mandatory usage laws in many other states, where enforcement may be conducted only on a secondary basis. However, the effects of this provision in New York's law cannot be fully assessed. For example, the conviction data available show that 28 percent of the persons convicted of violating the occupant restraint law in 1985 were convicted of at least one other traffic offense at the same time. While this appears to indicate that the majority of tickets were issued to persons stopped only for noncompliance with the safety belt law, this may not always be the case. The absence of another conviction may not necessarily indicate primary enforcement, since it is possible that tickets for other violations resulted in a dismissal or an acquittal. Furthermore, when more than one violation is known to have occurred it is not possible to determine which violation was detected first. Therefore, in those cases with more than one conviction, it cannot be assumed that the safety belt violation was the second offense detected.

In an examination of the extent of primary and secondary enforcement, the restraint usage rates and the number of convictions for other violations are also relevant factors. A series of observational surveys conducted by the Institute for Traffic Safety Management and Research found that restraint usage by front seat occupants was as high as 75 percent in

one area of the state in January 1985. In April 1985 usage was 57 percent statewide and by September 1985 had declined further to 46 percent. Although these usage rates were dramatically higher than a baseline usage rate of 16 percent in October 1984, the rates indicate that a large proportion of front seat occupants were not buckling up in 1985. Throughout the year, the number of convictions, however, remained at a fairly steady level, indicating little change in enforcement as compliance dropped substantially.

To place the 30,000 convictions for safety belt violations in context, conviction data for other traffic offenses were obtained from the Department of Motor Vehicles. The most current data available at the time this report was produced were statewide convictions for traffic offenses in 1984:

	<u>Total Convictions</u>
Speeding	511,535
Failure to Obey a Stopping Signal	531,781
Improper Turn	26,904
Failure to Yield Right-of-Way	36,140
Failure to Keep Right	26,803
Improper Passing/Lane Change	24,483
Driving While Intoxicated	23,186
Driving While Ability Impaired	38,008
Driving Without a License	113,241
Driving With a Suspended or Revoked License	12,351
Other	180,963

These data indicate that the number of safety belt convictions was roughly comparable to the number of convictions for several other offenses, including improper turns, failure to yield right-of-way and failure to keep right, but was only a small fraction of the convictions for speeding or failure to obey a stopping signal. This indicates a low level of secondary enforcement.

There is no information on the number of drivers violating the law who were detected but were not issued tickets. However, given the observed levels of safety belt use and the number of convictions for other traffic offenses, it is evident that in 1985 the law was not enforced fully on either a primary or a secondary basis. Furthermore, there may in fact be a general resistance by enforcement personnel to issue more than one ticket to a person, either because of the additional paperwork involved in writing a second ticket, or because the issuance of more than one ticket may be viewed as unnecessarily harsh. If enforcement personnel are, in general, reluctant to enforce this or any traffic law on a secondary basis, then New York's allowance of primary enforcement may be essential to efforts to convince the police to increase enforcement. Primary enforcement may also be essential to provide a deterrent to the unbelted motorist who is not likely to commit another traffic offense, and thus be in a secondary enforcement situation.

It is clear that the level of enforcement could be increased substantially. However, whether a total of 30,000 convictions for violations of the safety belt law constituted an inappropriately lenient level of enforcement during the law's first year is largely a subjective judgment. New York State led the nation in implementing mandatory restraint use legislation. Given the controversy surrounding the passage of the law, New York State traffic safety officials feared that stressing the punitive aspects of the law might serve to solidify opposition rather than promote wider acceptance of mandatory safety belt usage. Therefore, publicity efforts surrounding the implementation of the law emphasized the message that safety belt use has positive safety benefits and encouraged the habit of buckling up. Punitive aspects of the law were not stressed, and there were no concerted statewide efforts promoting tough enforcement.

This educational approach may have prevented the backlash against the law that has occurred in some other jurisdictions, but it also may have contributed to a low perception of the risk of being stopped for noncompliance.

Attitudinal surveys of licensed drivers, conducted by the Institute concurrently with the observational surveys, found that the decline in observed usage from April to September 1985 occurred at the same time that a decrease in the perception of risk was measured. The perception changed even though there was no substantial fluctuation in the number of convictions throughout the year. It is likely, therefore, that the public's perception of the strictness of enforcement was molded more by the publicity surrounding the law than the actual level of enforcement. These findings suggest that increasing the perceived risk of enforcement may be one means to increase restraint usage. Since these surveys also indicated that the majority of drivers in the State remained in favor of the law throughout the year, it may be time for New York State to try a more aggressive strategy.

The relationships among enforcement, the perception of risk and usage are currently being tested in New York State through a Selective Traffic Enforcement Program for Occupant Restraints (DTNH22-85-2-07358) funded by the National Highway Traffic Safety Administration. Using a design employing two experimental sites and one control site, this project will evaluate if sustained or periodic increased enforcement efforts, coupled with intensive public information campaigns, lead to increased restraint usage. Programs in other jurisdictions in New York State are also testing the relationship between enforcement and restraint usage. Officials hope to identify a strategy to increase the actual enforcement level as well as the perception of risk.

In an effort to increase usage rates, traffic safety officials are also studying the issue of appropriate penalties for noncompliance. The Commissioner of Motor Vehicles has the discretion to assign penalty points to the license of a driver convicted of a violation. The Commissioner can also increase the customary fine levied within the Administrative Adjudication system. Both of these policy revisions are under review.

Future analyses will follow the level of enforcement of New York State's Mandatory Occupant Restraint Law over time. Preliminary data indicate that the number of tickets issued in 1986 for violations of the safety belt law will likely double the 1985 total. In addition, as of June 1986, all of the State, with the exception of those areas under the Administrative Adjudication system, is part of the TSLE&D system. The much more extensive data base on violations, as well as convictions, available under TSLE&D will enable New York State to develop a better understanding of enforcement and adjudication practices in 1986 and subsequent years.

APPENDIX A

MEMORANDUM TO ENFORCEMENT AGENCIES AND MAGISTRATES
REGARDING REPORTING OF VIOLATIONS OF THE OCCUPANT RESTRAINT LAW

APPENDIX A

STATE OF NEW YORK
DEPARTMENT OF MOTOR VEHICLES
OFFICE OF THE COMMISSIONER

"p" (1985)

Albany, New York

January

To: All Enforcement Agencies and Magistrates

Subject: Violations of the Safety
Seat/Seat Belt Law

Enactment of Section 1229-c of the Vehicle and Traffic Law, effective January 1, 1985, has placed New York State in the unique position of being first in the nation to mandate the use of safety seats and/or seat belts in certain motor vehicles. Since this program is a landmark for the country, we expect it to receive extensive scrutiny in the coming years.

In order to obtain accurate statistical data, it is of utmost importance that violations of this law be identified correctly on summonses and conviction certificates.

The following sections and subdivisions are to be used:

<u>V&T Section</u>	<u>Violation</u>
1229-c(1)	No Child Restraint Device-Back Seat under 4 (or) Unrestrained-Back Seat under 10
1229-c(2)	Unrestrained-Front Seat under 16 (or) No Child Restraint Device-Front Seat under 4

APPENDIX A

1229-c(3) Unrestrained-Driver
(or)
Unrestrained-Front Seat 16 and over

Since the above three sections of the Vehicle and Traffic Law each contain two separate provisions for which a violation may be charged, it will be necessary for the arresting officer or magistrate to clearly indicate on the summons and/or conviction certificate which provision was violated. For example, if an infant is in the front seat being held by an adult rather than in a mandated child safety seat, you should indicate: Violation of Section 1229-c(2) - No Child Restraint Device - Front Seat under 4. You may abbreviate this information as long as it can be understood by the reader. Although these notations will require extra effort on your part, it is an essential step needed to insure the transfer of accurate information to the courts and subsequently to our files for legal and statistical purposes.

Please insure that all appropriate personnel are informed of these requirements. Your cooperation is appreciated.

JOHN A. PASSIDOMO
Commissioner

SAMPLE TRAFFIC TICKET

Print All Entries • USE BALL POINT PEN • Press Hard

UT-3.3 (10/81) State of New York • Department of Motor Vehicles

TA 750881 5

SIMPLIFIED
TRAFFIC
INFORMATION

For Court Use

Police Agency

Last Name (Defendant) First Name M.I.

Number and Street

City State Zip Code

Motorist Identification Number

Lic. State License Class Sex Date of Birth

Plate Number Reg. State Reg. Type Color Veh. Type

Vehicle Year/Make People of the State of New York Versus Defendant, The
Undersigned Officer Accuses Defendant of the Following
Offense Committed On

Weekday Date of Offense Time
AT : AM

Street Name Hwy. Type Hwy. No.

ON Location Code

IN C/T/V OF CO. OF

IN VIOLATION OF NYS V&T Law Other Law

Sec. Sub. Description of Violation Speeding MPH MPH Zone

AFFIRMED UNDER PENALTY OF PERJURY

(Officer's Signature) Offense Type

Officer Operating Radar Traffic Infraction Misdemeanor

Date of Affirmation

NCIC/ORI DIV/Troop PCT/Zone Sector/Station

Officer's Last Name (print) F.I. M.I. Badge/Shield

YOU ARE HEREBY DIRECTED TO APPEAR IN THE

City

Town

Village COURT OF

Address

Court Code

Date 19 AT M Justice Code

Charge Convicted of Law Convicted of V&T Other Date Adjudicated

Sec. Sub. Same as Above Date Sentence Imposed

Disposition/Sentence

Notice of Correction Bail Forfeiture Date Trial yes no

Revoked Suspended Revoked Suspended

Mand. Perm. Mand. Perm. days days

TA 750881

APPENDIX B

DATA ENTRY CODES FOR SAFETY BELT CONVICTIONS

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DATA ENTRY CODES FOR SAFETY BELT CONVICTIONS

<u>Violation</u>	<u>DMV Code</u>	<u>Description</u>
1229c	367	General No Seat Belt
1229c1a	368	No Child Restraint - Back Seat
1229c1b	373	No Seat Belt - 4-9 Year Old - Back Seat
1229c2a	369	No Seat Belt - 4-15 Year Old - Front Seat
1229c2b	374	No Child Restraint - Front Seat
1229c 1 or 2	365	No Child Restraint - Unknown Location
1229c3	372	No Seat Belt - Adult, Front Seat
1229c3a	370	No Seat Belt - Driver
1229c3b	371	No Seat Belt - Adult Passenger - Front Seat