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**TESTIMONY ON HOUSE BILL 2078  
PRESENTED BY THE AMERICAN CIVIL LIBERTIES UNION  
OF PENNSYLVANIA TO THE HOUSE JUDICIARY COMMITTEE  
ON JULY 14, 1998**

Good afternoon Chairman Gannon and other members of the House Judiciary Committee.

My name is Larry Frankel and I am the Executive Director of the American Civil Liberties Union of Pennsylvania. I want to thank you for inviting the ACLU to present testimony on House Bill 2078.

Unlike current Pennsylvania law, which permits a police officer to issue a citation for failing to wear a seat belt only as a secondary offense, this legislation would authorize police officers to detain motorists and issue them a traffic citation for the grave offense of failing to buckle up. This legislation embodies the kind of "big brother" mentality that one usually associates with a totalitarian society rather than a free country. It provides the government with the power to penalize people for not taking safety precautions to protect themselves.

This legislation is not intended to prevent drivers from hurting others on the road. It will not deter people from driving too fast, changing lanes too frequently, or engaging in other forms of behavior that endanger others. Rather, this legislation is premised on a misguided belief that it is okay to give government the power to compel people to do what is good for them. To the members of the ACLU this sounds like an irrational abandonment of the notions of individual

responsibility and individual freedom.

Two weeks ago there was a story in the Philadelphia Inquirer about this legislation. The ACLU was mentioned in that article as one of the opponents of this legislation. As a result of that article, our office has been contacted by several people expressing their strong opposition to this bill. They believe that it is not the role of government to penalize people for not wearing their seat belts. One of the callers analogized this legislation to the controversial helmet legislation. And I think that caller's reference is an appropriate reminder that the belief in individual freedom and responsibility is rather widespread in this Commonwealth.

Supporters of this kind of legislation argue that the health care costs associated with injuries resulting from the failure to wear seat belts are proper justification for this legislation. However, nowhere in this legislation do I see a guaranteed reduction in insurance premiums if this bill is enacted. Furthermore, I can think of lots of other behaviors that many people engage in that increase the cost of health care and insurance. Are we ready to outlaw the drinking of sugar sweetened beverages? Is someone ready to propose a set of penalties for those who do not engage in sufficient exercise? Are we going to deny dental insurance to those who do not brush twice a day and floss their teeth frequently? The reality is that we, as human beings, engage in lots of activities that may not be good for us and may increase health care costs for others. But as long as we do not engage in acts that harm or risk injury to other humans or their property, do we really need government intervention?

It has also been argued that many other states have made failing to wear a seat belt a primary offense. Perhaps the citizens of those other states value their independence and privacy far less than the citizens of Pennsylvania. I can tell you, however, that based on my experience

for “driving while black” in the suburbs adjacent to Philadelphia.

The problem of discriminatory enforcement of our traffic laws exist. That is why legislation to address this issue has been introduced in Congress and in this General Assembly. The ACLU fears that were this seat belt legislation enacted, we would hear frequent complaints from African-Americans who are experiencing a disproportionately high rate of stops for violation of this law. 々

In closing, we urge you to not enact this legislation. The people of Pennsylvania don't need government expanding its authority over their use of seat belts. None of us need to hear about more problems with unfair application of traffic laws.

Thank you again for inviting me to testify today. I will be happy to try to respond to any questions you may have.