

**PENNSYLVANIA CHIEF'S OF POLICE
TESTIMONY ON PRIMARY SEAT BELT LAW
PUBLIC HEARING -- HOUSE BILL 2078
JULY 14, 1998**

Good Afternoon Mr. Chairman, and Committee Members

I am Howard Dougherty, Chief of Police of the West Shore Regional Police Department (Lemoyne and Wormleysburg Boroughs), Cumberland County. I am here today on behalf of the Pennsylvania Chiefs of Police Association. The Association, and its thirteen hundred members, represents Police Chiefs and management level personnel in all law enforcement agencies across the Commonwealth.

Thank you for granting the Pennsylvania Chiefs of Police the opportunity to testify before your committee on this critical legislation. We hope our testimony will provide insight to you on the law enforcement perception of the proposed legislation regarding House Bill 2078, amending the Vehicle Code, Section 4581, Restraint Systems.

I was reading the Patriot News on July 7, 1998, and there was an article on Class Acts from the Graduates of 1998. Matthew Rokita of Central Dauphin High School was quoted as saying "Newspapers every day are filled with stories of people unexpectedly killed in an accident, a tornado or even murdered. The victims of these unfortunate events had no way of knowing that such a fate was slated for them, and most likely, they were not prepared to leave their family, friends and jobs - their lives." The quote

made me think about the statistics comparing traffic accidents to murder with a firearm. We are thirty-two (32) percent more likely to die in a traffic accident than with a gun. If you live in Cumberland County, Coroner Michael Norris, told you today that nearly twice as many people die there because they weren't wearing their seat belts compared to those who were killed by others in our most serious criminal offense - homicide.

~~Remember the statistics given to you by Captain Robert Haught, of the Pennsylvania State Police, that every fourteen (14) seconds, someone in America is injured in a traffic accident and every twelve (12) minutes someone is killed.~~

At the current time, with the secondary seat belt law now in effect, a police officer can't stop a vehicle if they see a child over four years of age unbuckled, or sitting on the parents lap or even standing in the front seat. This came about with Commonwealth V. Henderson (Pa. Super. 1995) which was very specific when it stated "since a citizen cannot be convicted of violating the seat belt law (18 Pa.C.S.A. section 4581), the violation of that law alone, without the presence of another motor vehicle code violation, is not a legal basis for a vehicle stop. Therefore, a police officer may not stop a vehicle for a seat belt violation alone, even for a verbal warning."

The statistics are showing us that twenty (20) percent of the traffic fatalities in 1996, in Pennsylvania, the victims are under twenty-one years

old. But, with Commonwealth V. Henderson law enforcement can't even stop a vehicle to give verbal warning, which could save a young innocent life.

On July 11, 1989, the police community of the Susquehanna Valley experienced a tragic death when a fourteen year veteran of the Lemoyne Police Department was killed in a traffic accident on Market Street, in Camp Hill. The veteran officer was not wearing his safety belt. The coroner, Mr. Norris, said it was a survival accident, had the officer been wearing his safety belt. The officer was a good friend, an excellent police officer, but most importantly a devoted father. He has and will continue to be missed by his family and fellow officers. If only he had been wearing his seat belt.

The Pennsylvania Chief's of Police Association supports House Bill 2078 which make a seat belt violation a primary enforcement law. With primary enforcement we feel that seat belt use will increase and the death rate will decrease.

We appreciate the opportunity of working with you to confront an issue that is important to all Pennsylvanian's. If you have questions I would be happy to answer them. Thank you very much.



Pennsylvanians United for Safety

At today's Public Hearing on HB 2078, representing ARCCA, Inc. will be Gary Whitman, Sr. Engineer, Engineering Crash Safety Division.

Mr. Whitman is replacing Mr. Louis D'Aulerio as a result of an unexpected scheduling conflict.