



ACLU Testimony on Primary Seatbelt Legislation

Thank you for the opportunity to speak on this important issue. The ACLU has serious concerns about changing Vermont's seatbelt enforcement statute from secondary to primary.

As you know, racial disparities are already present in Vermont traffic stops.¹ Adding another reason police can pull people over may very well exacerbate these disparities. For example, black and Hispanic drivers are three to four times more likely to be searched pursuant to a traffic stop than white drivers in Vermont.² Therefore, even if all seatbelt stops were conducted in a non-discriminatory manner, it stands to reason that searches pursuant to stops would still adversely and disproportionately affect minority motorists.

The ACLU of Florida recently analyzed stop data in that state and found that black drivers in Florida are stopped and ticketed for seatbelt violations nearly twice as often as white drivers statewide and up to four times as often in certain counties, even though black seatbelt use was only five to six percentage points below that of white people³. While Vermont is, of course, not Florida, this data still demonstrates the real discriminatory effect such primary enforcement laws can have.

Another concerning facet of primary enforcement is the resulting fines. These could have negative effects on low-income drivers, who may not be able to afford to pay the ticket and then may have more penalties assessed, including a license suspension, creating collateral consequences like inability to get to a job, to child care, and so on. Even if a fine were only \$25, that could very well be impossible for someone on a tight budget.

In essence, the ACLU does not believe the legislature should create another opportunity for police-citizen interactions and thus for possible pretextual stops, and is concerned about the effect fines may have on low-income individuals. We urge the committee to instead look to better education about seatbelt use or other methods to increase the use of seatbelts in Vermont.

¹ See Stephanie Seguino and Nancy Brooks, *Driving While Black and Brown in Vermont* (2017), http://www.uvm.edu/giee/pdfs/SeguinoBrooks_PoliceRace_2017.pdf.

² *Id.*

³ ACLU Racial Justice Program and the ACLU of Florida, *Racial Disparities in Florida Safety Belt Law Enforcement* (January 2016), <https://www.aclu.org/report/racial-disparities-florida-safety-belt-law-enforcement>.