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Primary seatbelt proposal back for consideration

By Mannix Porterfield

CHARLESTON, WV — Buckling a seatbelt before hitting the road is another one of those healthy habits to form, not unlike one's daily routine of dental hygiene, Delegate Barbara Fleischauer says.

Moreover, making West Virginia's seatbelt use — already a legal obligation — a primary traffic law with the threat of a fine for non-compliance can help motorists get into the habit, she says.

Fleischauer has revived an earlier effort to make seatbelt use a primary law, meaning a traffic cop doesn't need another excuse — such as speeding or driving recklessly — to pull you over for driving unbuckled.

"I'm a big proponent of safety, whether it's in the mine or it's in your car," she said Friday.

"The biggest risk to my health is the fact that I drive a lot of miles. And I think it's really important for safety and health that it's one of the things we do as a state. And I think it's proven to save lives. I don't want to lose anybody."

Fleischauer wants to change the mindset of drivers to the point they aren't trying to provoke police by avoiding the belts or simply buckling up to avoid a run-in with the law.

Rather, the idea is to instill in them the habit of using seatbelts as a measure of added safety while motoring, the delegate said.

"The way to think about is not, 'oh, my God, this police officer can pull me over,'" she said.

"The way to think about is, this is a safety measure, just like safety measures in coal mines. And we obey them because it's going to save our lives."

A \$25 fine is assessed as a primary moving violation for not wearing a belt in her proposal.

"It's been a long time that we have known that seatbelts save lives," she said.

"That's what this is about. You get more West Virginians to obey the law. It is the law right now. We're supposed to be wearing them."

Nor is she trying to give police a reason to pay closer attention to the motoring public, the delegate said.

"I don't think it's designed, you know, for Barney Fifes to go out and look for people without seatbelts," she said. "I'm sure when it first starts out there will be police officers giving warnings. It's set up to make the rest of us say, 'I need to remember to do this or there will be a consequence.'"

Lawmakers aren't supposed to legislate safety measures with regard to convenience, she said.

"This is a habit, just like brushing your teeth," Fleischauer said. "It's something you need to do. This is education. This is part of our education to the public, just if you don't do it, there will be consequences because we all pay."

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