

## The Law -- On Your Side: Automobile Safety Legislation Saves Lives

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Dan Kotin, a highly successful Chicago personal injury lawyer at the law firm of Corboy & Demetrio, has written this article on automobile safety laws in order to inform the public of the value of laws that while inconvenient, save lives and make the roads a safer place on which to travel.

The State of Illinois and many local communities are engaged in an annual "click-it or ticket" campaign reminding motorists that it is illegal in Illinois to ride in the front seat of a motor vehicle without a seatbelt. Many citizens are irritated by this law and feel it is an unjust invasion on their right to privacy and their right to care for themselves. But statistics show that regardless of the Big Brother connotation, the seatbelt law and other automobile safety statutes simply save lives. Our roads are safer places now than they used to be. All of us who drive should appreciate this fact and cooperate with efforts to become even safer.

### The Illinois Safety Belt Law

Since July 1, 1985, front seat passengers in Illinois are required to wear seatbelts. The results of the implementation of this law are startling.

Before, July 1985, only 16% of front seat passengers wore seatbelts. After the law was imposed, seatbelt use rose to 76% in 2003. Under that original version of the law, failure to wear a seatbelt was not a sufficient reason for a police officer to pull over a driver and issue a ticket. Instead, only drivers who were pulled over for other offenses could be issued an additional ticket if the police officer discovered that driver was not wearing a seatbelt.

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Then, in 2003, Governor Blagojevich signed the Primary Seatbelt Enforcement Law. This change permitted police officers to pull over and ticket a driver solely for the failure of the driver to wear a seatbelt. With the new law in place, seatbelt usage rose to 86%.

Has the increased use of seatbelts made a difference? According to the Illinois Department of Transportation, in the first 20 years of seatbelts being mandatory for front seat passengers, 11,597 lives have been saved. 1,020 were saved in the year 2005 alone. The National Highway Traffic Safety Administration compiles data on a national basis. According to the NHTSA, the use of seatbelts reduces fatalities by 45%. It may be a shame that the threat of a ticket is needed to motivate motorists to buckle up, but the thousands of lives saved certainly justifies this government involvement.

#### The Illinois Child Passenger Protection Act

Since 1983, anyone under age 8, must be transported in a child restraint system when in an automobile in Illinois. Appropriate restraints range from rear-facing car seats for newborns to simple booster seats for older children. The distinction is based upon the height and weight of the child.

Statistics also show that any restraint system is better than none at all. This means that a lap belt is safer than sitting freely in a car with no protection at all. But the disturbing fact is that children in an automobile crash wearing a simple seatbelt are 4 times more likely to suffer head/brain injuries than children properly restrained in child safety seats. Seatbelts are designed for adult occupants. In order for the protection to be gained for children, child safety seats must be used as well. According to a national study, 90% of children ages 4 through 8 who are severely injured in crashes are not restrained in a booster seat.

Nevertheless, statistics show that car crashes are still the leading cause of death for children in this state. That fact is true even with the most advanced child restraint systems in place.

#### Local Cell Phone Ordinances

On July 8, 2005, the City of Chicago passed an ordinance banning hand-held cell phones for drivers of vehicles on city streets. One week later, Governor Blagojevich signed a bill making it illegal for children under age 18 to speak on a cell phone while driving. In 2006, the Village of Winnetka passed an ordinance similar to that of Chicago requiring the use of hands-free cell phones while driving.

Although these laws might appear somewhat draconian and unrelated to motor vehicle safety, the data clearly establishes the danger of using a hand-held cell phone while driving.

According to the Harvard University Center of Risk Analysis, cell phone usage by drivers causes 2,600 fatalities in America each year. A similar study in Japan revealed that prohibiting hand-held cell phones has reduced automobile accidents by 61%.

Why? Studies show that the dangers of using a hand-held cell phone while driving fall into two categories: distraction and driver impairment.

**Distraction** is the result of the cell phone conversation forcing the driver to direct his or her attention away from the road and toward the person on the other end of the line. Clearly, though, any number of things can be distracting to a driver, such as listening to a radio, or eating, or having a conversation with a passenger in the car. Taking this analysis to its extreme, local governments might be inclined to eliminate all sources of distracted driving. Obviously, such an effort would be absurd, impractical, and impossible.

Instead, Chicago, Winnetka, and various municipalities around the nation have addressed the second harm of cell phone usage -- **driver impairment**. Holding a cell phone to the ear impairs a driver's ability to signal, steer, and react to emergencies. It also blocks important site lines much like a hanging dry cleaning bag or a dangling novelty item from the rear view mirror might do. The local cell phone ordinances may not stop distraction, but they will allow drivers to maintain clear vision and keep two hands on the wheel.

Although it is still too early to evaluate hard data, it appears that the hands-free ordinances have resulted in a decrease in cell-phone related accidents. With this in mind, purchase a blue tooth headset for your cell phone. Use the speaker phone feature on the cell, or use a car phone that can be incorporated into the sound system of the vehicle. The statistics will likely prove that any inconvenience caused by these modifications is worth it.

We must keep in mind that as a annoying as it may be to comply with the ever increasing number of automotive safety laws out there, when we sit behind the wheel of a car, we are operating a 3,000 pound machine which is potentially a deadly weapon. The fact is, that with the Illinois seatbelt law, the child safety seat statute, and the local cell phone ordinances in effect and essentially adhered to, driving a car is far safer in Illinois today than it was 25 years ago.

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