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Research Report  
KTC-90-20

SAFETY BELT USAGE BEFORE AND  
AFTER ENACTMENT OF A MANDATORY  
USAGE ORDINANCE (LEXINGTON-  
FAYETTE COUNTY, KENTUCKY)

by

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in cooperation with

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## TABLE OF CONTENTS

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|                        | Page |
|------------------------|------|
| Introduction . . . . . | 1    |
| Procedure . . . . .    | 2    |
| Results . . . . .      | 4    |
| Conclusions . . . . .  | 6    |
| References . . . . .   | 7    |
| Figure . . . . .       | 8    |
| Tables . . . . .       | 9    |
| Appendix . . . . .     | 15   |

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## INTRODUCTION

While mandatory safety belt laws have been adopted in the majority of states, Kentucky has not enacted such a law. The only law in this area in Kentucky has been the requirement for children under forty inches in height to be placed in a safety seat. The child restraint law was enacted in 1982 with a penalty added in 1988. In the absence of a statewide law, an attempt was made to enact an ordinance by the Lexington-Fayette Urban County Government.

The city of Lexington is the second largest city in Kentucky. The government is a merged city and county government with a population of slightly over 200,000 compared to a statewide population of over 3.7 million. Fayette County is one of 120 counties in Kentucky, but it is a major activity center and attracts visitors from a large section of the state.

The major effort to enact an ordinance started in November 1989 with the formation of a Saved by the Belt Club and news conferences announcing: 1) the results of a safety belt usage observation survey and a public opinion survey relating to a safety belt law and 2) a study of emergency room costs for occupants of vehicles who were wearing and not wearing a safety belt. The information presented in the news conferences specifically dealt with Lexington. The proposed seatbelt ordinance was endorsed by the local newspaper and several local civic groups. There was a mass mailing to Fayette County residents which dealt with the costs of non-belt use and included a question and answer sheet on safety belts. A hearing for the ordinance was held by the appropriate council committee in December 1989. The ordinance was enacted by the Urban County Council in January 1990. The effective date for the ordinance was set as July 1, 1990.

The ordinance requires each driver and each occupant 16 years of age or older of a passenger automobile to wear a safety belt and requires the driver to secure any passenger under 16 years of age in a safety belt or child safety restraint. The safety belt ordinance is enforced as a secondary offense such that a vehicle cannot be stopped solely to determine compliance with this ordinance. A fine of not more than \$25 was established. A copy of the ordinance is given in the appendix along with a chronology of events leading to its implementation. The ordinance also stated that a program be established for disseminating information to the public concerning the requirements of the ordinance.

Lexington has been included in past statewide safety belt usage surveys. Lexington has always been observed to have a high usage rate compared to statewide statistics. The results of the 1989 survey found Lexington to have the highest usage of the 19 cities in which data were collected (1). Usage of safety belts by drivers was determined to be 41.8 percent at the survey sites in Lexington compared to a statewide usage rate of 25.5 percent. A detailed safety belt survey

was conducted in Lexington in August 1989 at a larger number of observation sites (2). A driver usage rate of 38 percent was obtained.

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The objective of this study was to conduct additional surveys before the ordinance was enacted, during the implementation of the ordinance, and after the ordinance became effective. This would allow comparisons to be made of safety belt usage before and after the effective date of the ordinance as well as during the period in which the law was being implemented. The results were used to determine the effect of a local ordinance on safety belt usage.

There was an effort made between passage of the ordinance in January 1990 and the July 1, 1990 effective date to increase public awareness about safety belts in general with specific emphasis on the new ordinance. The public information campaign included sending approximately 200,000 fliers to Fayette County residents. This was accomplished through inserts in city sewer bills, inserts in bank statements, and information sent home with all elementary school children. There were also public service announcements on local radio and television stations. A total of 12 radio and four television stations participated. Information was placed in newspapers in Fayette County as well as surrounding counties. A major press conference was held on May 30, 1990 to start an intensive public information campaign in June before the ordinance became effective on July 1, 1990. Placement of about 250 regulatory signs dealing with the ordinance was started at that time with all signs installed before July. The sign contained the symbol specified in the Manual on Uniform Traffic Control Devices (R16-1) as well as the words "Fayette County; Buckle Up; Your Safety is the Law". Bumper stickers were distributed in conjunction with a contest for drivers who were cited by the local police for having the bumper sticker on their vehicle and using their safety belt. The prizes included two \$10,000 bonds.

## **PROCEDURE**

The data collection form used in the survey is shown in Figure 1. The data collection form used in the August 1989 survey was slightly different but most of the same information was obtained. Usage was recorded for drivers and front-seat passengers setting in the outboard position. The exception was for children under four years of age for which data were collected for all positions in the front and the rear. Drivers were classified into three age categories and were classified by sex. Passengers were classified into several age categories. For drivers and front-seat passengers (over three years of age), usage was classified as either using a harness or belt or no restraint. For children one to three years of age, the categories included safety seat, booster seat, harness or belt, or no restraint. For children under one year of age, the categories were either safety seat or no restraint. When a safety seat was used, an attempt was made to determine if there was an obvious misuse.

Data were collected at intersections having either a traffic signal or four-way stop control. Observers stood at the curb or at the edge of the roadway and observed stopped cars. Data were also obtained for cars as they began to move through a signalized intersection if the car was moving sufficiently slow to allow accurate observation. Passenger cars, station wagons, vans, and pickup trucks were included in the survey. Data were collected during daylight hours on weekdays at various times throughout the day. Each survey took about two weeks to complete. Beginning with the December 1989 survey period, two sets of data were collected at each site. Data were collected for two hours during each period giving four hours of data at each site. More than four hours of data were collected at each site during the August 1989 survey which resulted in a larger sample size for this data collection period compared to the other survey periods.

The following list of guidelines for data collection was given to each observer with each data collector going through a training period.

1. Always include the driver so the number of vehicles included in the sample will be known.
2. Include all vehicles at low-volume locations. When taking data on a multi-lane road, include only vehicles in the curb or near lane.
3. Collect data on only one approach at the intersection.
4. If traffic volume is too heavy to collect data for all vehicles, record data for the next vehicle in view after recording data for the prior vehicle.
5. Obtain a random sample of vehicles independent of whether the occupants are wearing a safety belt. (Do not attempt to include all vehicles with an occupant wearing a safety belt at a location where all vehicles cannot be obtained.)
6. Attempt to include data for children under four years of age for any vehicle in the sample in which such a child is a passenger.
7. Only include vehicles either stopped or moving so slowly that occupants can be readily observed.
8. Excluding children under four years of age, collect data only for drivers and passengers in the right-front seat (exclude the center front and rear seating positions).

9. Do not include old passenger cars not equipped with a safety belt (those without a head rest).

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10. Collect data during daylight hours on weekdays and weekends.

11. Collect data for two hours at each site for each set of data. Data will be collected two times at each of the 24 sites or four hours per site.

12. Begin and end data collection at a specified time not considering whether the occupants are using a safety belt.

13. Collect data for cars, vans, and light trucks.

14. Do not include a vehicle in the count if use by the driver cannot be determined.

15. Put the starting time on the first data sheet and the ending time on the last data sheet during the two-hour data collection period, and number the data sheets.

Lexington-Fayette County was divided into geographic zones based on 12 zones used by the police department. Data were obtained at two locations in each zone such that data were collected at 24 locations. A list of the intersections at which data were collected is given in Table 1. Four hours of data were taken at each location giving 96 hours of data for the December 1989 and June 1990 surveys. Two hours of data were taken at each location in July 1990 and August 1990 with the results shown separately as well as combined to give the total 96 hours of data.

Usage rates for drivers and passengers were obtained for each zone. The rates for each zone were then combined (using traffic volumes as the method of weighting) to give a percent usage for Lexington. Confidence limits for a given probability (probability of 0.99) were obtained for each category using the sample size and percent usage (3). Data from the various zones were compared using the driver data.

## RESULTS

Four sets of data were collected. The data collection periods were August 1989, December 1989, June 1990, and July and August 1990. The August 1989 data were taken before discussion of a safety belt ordinance. The December 1989 data were taken while the ordinance was being discussed but before it was enacted. The June 1990 data were taken after the ordinance was enacted and after the start of a public information campaign leading to the start of the

ordinance but before the effective date. The July and August 1990 data were taken after the ordinance became effective on July 1, 1990. The procedure of taking four hours of data per site was started with the December 1989 survey. The sample size for the August 1989 survey was substantially higher than for the other surveys. As previously noted, this resulted from taking data for more than four hours at each site during this survey period.

Usage rates obtained for drivers during these five periods are listed in Table 2. Percent usage, sample size, and confidence limits (plus or minus the given confidence range) are listed for each survey period. Usage rates for drivers was in the range of 36 to 38 percent before the safety belt ordinance was enacted. Usage increased to 46 percent in June 1990 after the start of the public information campaign. Usage then increased dramatically in July and August 1990 after the law became effective on July 1. Usage increased to 77 percent in July and remained at 75 percent in August. This compares to a statewide driver usage rate in 1990 of 32 percent (4).

While the failure to wear a safety belt was a secondary offense, several citations were written in July, August, and September. There were 214 citations written in the month of July, 159 in August, and 119 in September. The citations have resulted in guilty pleas with fines paid. The court system has not experienced any problems as a result of enforcement of the ordinance.

Usage rates for front-seat occupants (over three years of age) are presented in Table 3. For each age category, percent usage, sample size, and confidence limits are given for each survey period. The July and August data are combined for all analyses except drivers. As for drivers, usage increased dramatically in July and August 1990. The rates for the various age categories after implementation of the ordinance were consistent at 70 to 71 percent.

Usage rates for children under four years of age are summarized in Table 4. Separate rates are given for the children one to three years of age and for infants under one year old. Data are also given for both the front and rear seat. A statewide law applied to this age group prior to the first survey in August 1989. Usage remained at a very high level of over 80 percent. The rate was somewhat lower in the first survey taken in August 1989. The usage rate was higher in the rear seat than the front. Obvious misuse of safety seats was noted infrequently. Improper usage identified in the survey was limited to the types that could be easily noted as a vehicle was driven slowly by the observer. Examples of improper usage would be the child not harnessed into the seat, an infant facing forward, or the shield not used as required. For the July and August survey period, improper usage was 10 percent for children one to three years of age and 14 percent for children under one year of age.



Data by age and sex of the driver are summarized in Table 5. Percent usage, sample size, and confidence limits are given for each category for each survey period except the August 1989 period. Data were not classified in this manner during the August 1989 data collection period. Usage increased for each category after the effective date of the law. The usage rate for females has consistently been higher than for males. When age was considered, the highest usage has consistently been for the 31 to 50 years of age category.

A summary of driver usage rates by geographical zone is presented in Table 6. Rates increased in each zone after the effective date of the ordinance. The range of usage rates for the July and August 1990 data collection varied from 65 percent in zone 3 to 87 percent in zone 2. The trend after passage of the ordinance was for the rates to be more consistent from one zone to another with no clear section of the county where usage was lowest.

## CONCLUSIONS

Enactment of a mandatory safety belt ordinance in one county (Fayette County) of a state (Kentucky) where there is no statewide law has proven to be an effective means of increasing safety belt usage. Specifically, the usage rate for drivers was approximately 37 percent before enactment of the ordinance. After enactment but before enforcement of the ordinance and during the public information and education (PI&E) campaign, the usage rate for drivers increased to about 46 percent. After enforcement began on July 1, 1990, the usage rate for drivers increased to approximately 76 percent. These results support research which show that an effective safety belt program must include an integrated enforcement and PI&E effort to achieve high safety belt compliance.

The successful results obtained in Fayette County can be attributed to: 1) the efforts to educate the public about the new ordinance and the benefits of wearing safety belts and 2) the enforcement of the ordinance. There were 492 citations written in the initial three-month period after implementation of the ordinance. There has been a continuing effort to maintain public awareness. For example, billboards have been placed throughout the county and a program called "flash your neighbor" has been started. In this program, cards are given to police and other individuals which they use to either thank other drivers and passengers who are using their safety belt or remind them to use their belt. Such efforts, along with continued enforcement, will be necessary to maintain the current high usage rate.

Additional surveys should be taken in the future to document the usage rate. After an appropriate period of time, accident data should be analyzed to determine the effect increased safety belt usage has had on injuries sustained in traffic accidents in Fayette County.

The success of the local ordinance in Fayette County shows the dramatic increase in safety belt usage that can be obtained through a mandatory safety belt law. Therefore, such a law should be considered by the Kentucky General Assembly. In the event a statewide law is not enacted, additional local governments should consider enacting mandatory safety belt laws.

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### REFERENCES

1. Agent, K. R.; "1989 Usage Rates and Effectiveness of Safety Belts and Child Safety Seats in Kentucky", University of Kentucky, Transportation Center, Report KTC-89-42, September 1989.
2. Agent, K. R.; "Safety Belt Usage in Lexington and Opinion of a Mandatory Safety Belt Law", University of Kentucky, Transportation Center, Report KTC-89-43, September 1989.
3. Votaw, D. F. and Levinson, H. S.; Elementary Sampling for Traffic Engineers, Eno Foundation for Highway Traffic Control, 1962.
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| TABLE 1. DATA COLLECTION SITES |   |
|--------------------------------|---|
| ZONE                           | LOCATION  |
| 1                              | Vine Street - Limestone Street<br>Main Street - Upper Street              |
| 2                              | Rose Street - Third Street<br>Martin Luther King Boulevard - Third Street |
| 3                              | Loudon Avenue - Maple Avenue<br>North Broadway - Withers Avenue           |
| 4                              | Bryan Station Pike - Eastin Road<br>New Circle Road - Eastland Parkway    |
| 5                              | New Circle Road - Russell Cave Pike<br>North Broadway - Fifth Street      |
| 6                              | Newtown Pike - Nandino Boulevard<br>Russell Cave Pike - Winburn Drive     |
| 7                              | Leestown Road - Greendale Road<br>Leestown Road - Forbes Road             |
| 8                              | Versailles Road - Alexandria Drive<br>South Broadway - Bolivar Street     |
| 9                              | Rose Street - Euclid Avenue<br>Tates Creek Road - Cooper Drive            |
| 10                             | Nicholasville Road - Reynolds Road<br>Reynolds Road - Lansdowne Drive     |
| 11                             | Alumni Drive - Yellowstone Parkway<br>Fontaine Road - Lakeshore Drive     |
| 12                             | Richmond Road - Patchen Drive<br>Woodhill Drive - Todds Road              |

| TABLE 2. DRIVER USAGE RATES* |                      |                            |             |
|------------------------------|----------------------|----------------------------|-------------|
| SURVEY DATE                  | USAGE RATE (PERCENT) | CONFIDENCE RANGE (PERCENT) | SAMPLE SIZE |
| August 1989                  | 38                   | 0.6                        | 49,438      |
| December 1989                | 36                   | 0.7                        | 30,983      |
| June 1990                    | 46                   | 0.8                        | 28,855      |
| July 1990                    | 77                   | 1.0                        | 11,579      |
| August 1990                  | 75                   | 1.1                        | 10,343      |

\* The usage rate would be plus or minus the percent confidence range.

| TABLE 3. USAGE RATES FOR FRONT-SEAT OCCUPANTS<br>(OVER 4 YEARS OF AGE) |             |                      |                             |             |
|--|-------------|----------------------|-----------------------------|-------------|
| SURVEY DATE  | AGE (YEARS) | USAGE RATE (PERCENT) | CONFIDENCE RANGE (PERCENT)* | SAMPLE SIZE |
| August 1989  | 4-5         | 32                   | 4.2                         | 819         |
|  | 6-12        | 28                   | 4.3                         | 724         |
|  | 13-19       | 25                   | 2.0                         | 3,072       |
|  | Over 19     | 29                   | 1.3                         | 8,241       |
| December 1989  | 4-5         | 40                   | 5.8                         | 465         |
|  | 6-12        | 45                   | 7.4                         | 304         |
|  | 13-19       | 38                   | 4.0                         | 992         |
|  | Over 19     | 34                   | 1.6                         | 5,555       |
| June 1990  | 4-5         | 52                   | 6.7                         | 365         |
|  | 6-12        | 46                   | 6.2                         | 430         |
|  | 13-19       | 49                   | 4.1                         | 986         |
|  | Over 19     | 38                   | 1.5                         | 6,521       |
| July/August 1990   | 4-5         | 71                   | 7.2                         | 268         |
|  | 6-12        | 70                   | 6.2                         | 369         |
|  | 13-19       | 71                   | 3.7                         | 983         |
|  | Over 19     | 70                   | 1.8                         | 4,392       |

| TABLE 4. USAGE RATE FOR CHILDREN UNDER FOUR YEARS OF AGE |                  |             |                      |                            |             |
|--|------------------|-------------|----------------------|----------------------------|-------------|
| SURVEY DATE  | SEATING POSITION | AGE (YEARS) | USAGE RATE (PERCENT) | CONFIDENCE RANGE (PERCENT) | SAMPLE SIZE |
| August 1989  | Front            | Under 1     | 80                   | 7.5                        | 192         |
|  |                  | 1-3         | 49                   | 4.3                        | 907         |
|  | Rear             | Under 1     | 72                   | 16.2                       | 53          |
|  |                  | 1-3         | 68                   | 4.4                        | 712         |
|  | All              | Under 1     | 78                   | 6.6                        | 245         |
|  |                  | 1-3         | 57                   | 3.1                        | 1,619       |
| December 1989  | Front            | Under 1     | 75                   | 9.7                        | 130         |
|  |                  | 1-3         | 69                   | 6.8                        | 306         |
|  | Rear             | Under 1     | 97                   | 4.3                        | 102         |
|  |                  | 1-3         | 88                   | 3.9                        | 473         |
|  | All              | Under 1     | 86                   | 5.9                        | 232         |
|  |                  | 1-3         | 80                   | 3.7                        | 779         |
| June 1990  | Front            | Under 1     | 73                   | 9.4                        | 147         |
|  |                  | 1-3         | 68                   | 7.0                        | 291         |
|  | Rear             | Under 1     | 93                   | 7.9                        | 69          |
|  |                  | 1-3         | 90                   | 3.5                        | 493         |
|  | All              | Under 1     | 81                   | 7.1                        | 216         |
|  |                  | 1-3         | 80                   | 3.4                        | 784         |
| July/August 1990   | Front            | Under 1     | 79                   | 8.8                        | 142         |
|  |                  | 1-3         | 72                   | 6.8                        | 289         |
|  | Rear             | Under 1     | 88                   | 8.6                        | 94          |
|  |                  | 1-3         | 90                   | 3.5                        | 493         |
|  | All              | Under 1     | 83                   | 6.3                        | 236         |
|  |                  | 1-3         | 84                   | 3.4                        | 782         |

| TABLE 5. DRIVER USAGE RATES BY AGE AND SEX |                  |             |                      |                            |             |
|--|------------------|-------------|----------------------|----------------------------|-------------|
| SURVEY DATE                                | SEATING POSITION | AGE (YEARS) | USAGE RATE (PERCENT) | CONFIDENCE RANGE (PERCENT) | SAMPLE SIZE |
| December 1989                              | Male             | 16-30       | 28                   | 1.5                        | 5,833       |
|  |                  | 31-50       | 37                   | 1.4                        | 8,365       |
|  |                  | Over 50     | 33                   | 2.1                        | 3,415       |
|  | Female           | 16-30       | 38                   | 1.7                        | 5,616       |
|  |                  | 31-50       | 45                   | 1.7                        | 5,814       |
|  |                  | Over 50     | 34                   | 2.8                        | 1,940       |
| June 1990                                  | Male             | 16-30       | 39                   | 1.6                        | 6,016       |
|  |                  | 31-50       | 43                   | 1.4                        | 8,048       |
|  |                  | Over 50     | 39                   | 3.0                        | 1,782       |
|  | Female           | 16-30       | 53                   | 1.7                        | 5,619       |
|  |                  | 31-50       | 53                   | 1.7                        | 5,958       |
|  |                  | Over 50     | 46                   | 3.4                        | 1,432       |
| July/August 1990                           | Male             | 16-30       | 70                   | 1.8                        | 4,397       |
|  |                  | 31-50       | 73                   | 1.5                        | 5,746       |
|  |                  | Over 50     | 71                   | 2.7                        | 1,825       |
|  | Female           | 16-30       | 80                   | 1.5                        | 4,605       |
|  |                  | 31-50       | 82                   | 1.5                        | 4,371       |
|  |                  | Over 50     | 74                   | 3.6                        | 978         |

TABLE 6. DRIVER USAGE RATES BY GEOGRAPHIC ZONES

| SURVEY DATE   | ZONE | USAGE RATE<br>(PERCENT) | CONFIDENCE RANGE<br>(PERCENT) | SAMPLE<br>SIZE |
|---------------|------|-------------------------|-------------------------------|----------------|
| August 1989   | 1    | 34                      | 2.0                           | 3,854          |
|               | 2    | 32                      | 2.0                           | 3,686          |
|               | 3    | 34                      | 2.2                           | 2,958          |
|               | 4    | 33                      | 2.2                           | 2,988          |
|               | 5    | 35                      | 1.7                           | 5,397          |
|               | 6    | 33                      | 2.1                           | 3,230          |
|               | 7    | 34                      | 2.0                           | 3,631          |
|               | 8    | 42                      | 1.8                           | 5,242          |
|               | 9    | 41                      | 2.0                           | 4,186          |
|               | 10   | 41                      | 1.3                           | 9,114          |
|               | 11   | 41                      | 2.4                           | 2,788          |
|               | 12   | 44                      | 2.6                           | 2,364          |
| December 1989 | 1    | 32                      | 2.6                           | 2,193          |
|               | 2    | 35                      | 2.8                           | 1,903          |
|               | 3    | 33                      | 2.3                           | 2,759          |
|               | 4    | 38                      | 2.3                           | 3,053          |
|               | 5    | 34                      | 2.2                           | 3,182          |
|               | 6    | 33                      | 2.5                           | 2,323          |
|               | 7    | 38                      | 2.4                           | 2,619          |
|               | 8    | 41                      | 2.4                           | 2,737          |
|               | 9    | 41                      | 2.5                           | 2,547          |
|               | 10   | 36                      | 2.3                           | 2,933          |
|               | 11   | 35                      | 2.6                           | 2,235          |
|               | 12   | 36                      | 2.5                           | 2,499          |



| TABLE 6. DRIVER USAGE RATES BY GEOGRAPHIC ZONES |      |                         |                               |                |
|---|------|-------------------------|-------------------------------|----------------|
| SURVEY DATE                                     | ZONE | USAGE RATE<br>(PERCENT) | CONFIDENCE RANGE<br>(PERCENT) | SAMPLE<br>SIZE |
| June 1990                                       | 1    | 46                      | 2.6                           | 2,393          |
|   | 2    | 45                      | 3.3                           | 1,532          |
|   | 3    | 42                      | 2.9                           | 1,937          |
|   | 4    | 40                      | 2.6                           | 2,323          |
|   | 5    | 47                      | 2.6                           | 2,514          |
|   | 6    | 45                      | 2.7                           | 2,306          |
|   | 7    | 43                      | 2.8                           | 2,113          |
|   | 8    | 50                      | 2.8                           | 2,128          |
|   | 9    | 51                      | 2.2                           | 3,285          |
|   | 10   | 49                      | 2.2                           | 3,562          |
|   | 11   | 45                      | 2.5                           | 2,715          |
|   | 12   | 43                      | 2.8                           | 2,047          |
| July/August 1990                                | 1    | 80                      | 2.6                           | 1,583          |
|   | 2    | 87                      | 2.6                           | 1,112          |
|   | 3    | 65                      | 2.9                           | 1,820          |
|   | 4    | 69                      | 2.3                           | 2,666          |
|   | 5    | 75                      | 2.6                           | 1,885          |
|   | 6    | 76                      | 2.5                           | 1,862          |
|   | 7    | 85                      | 2.8                           | 1,111          |
|   | 8    | 74                      | 2.5                           | 1,973          |
|   | 9    | 76                      | 1.9                           | 3,225          |
|   | 10   | 80                      | 2.7                           | 1,424          |
|   | 11   | 79                      | 2.5                           | 1,845          |
|   | 12   | 71                      | 3.1                           | 1,416          |

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APPENDIX  
LEXINGTON-FAYETTE COUNTY URBAN COUNTY GOVERNMENT  
SAFETY BELT ORDINANCE

WHEREAS, the Commonwealth of Kentucky has adopted KRS 189.125 to require child safety restraints for children traveling with their parents in their automobiles, but has not spoken in the area of other uses of child safety restraints, nor in the case of seat belts; and

WHEREAS, the Lexington-Fayette Urban County Government has, based upon information provided to its Services Committee in recent sessions and upon the professional opinions of its various officers, departments and divisions, determined that the protection of the public health, safety and welfare demands that all those traveling in passenger automobiles in Fayette County be required to "buckle up"; and

WHEREAS, KRS 67A.070(2) empowers the Urban County Government to enact ordinances not in conflict with the general laws of this state;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 18-23.1 of the Code of Ordinances be and hereby is enacted to read as follows:

- (1) As used in this section, the following terms shall have the meanings given:
  - (a) "Highway" means any public road, street, avenue, alley, or boulevard, bridge, viaduct or trestle and the approaches to them and includes off-street parking facilities offered for public use, whether publicly or privately owned, except for-hire parking facilities listed in KRS 189.700;
  - (b) "Passenger automobile" means any self-propelled vehicle which is capable of transporting one (1) or more persons, but shall not include motorcycles as defined in section 18-1(14); school buses, church buses, or other public conveyance vehicles; and road rollers, road graders, farm tractors, vehicles on which power shovels are mounted and such other construction and farming equipment customarily only used on the site of construction or farming and which is not practical for the transportation of persons or property upon the highways; and
  - (c) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any roadway separately but not to all such roadways collectively.
- (2) Each driver and each occupant of sixteen (16) years of age or older of a passenger automobile operated on the roadways, streets and highways of Fayette County shall wear a properly adjusted and fastened safety belt as provided for under Federal Motor Vehicle Safety Standard 208.

- (3) The driver of a passenger automobile operated on the roadways, streets and highways of Fayette County shall secure or cause to be secured in a properly adjusted and fastened safety belt system or child safety restraint any passenger under sixteen (16) years of age to whom the provisions of KRS 189.125 do not apply.
- (4) The provisions of this section shall not apply to the following:
- (a) A passenger automobile manufactured before July 1, 1966;
  - (b) An automobile operator or passenger with a physically or psychologically handicapping condition which would prevent appropriate restraint in a safety belt or child safety restraint, provided, however, that the condition is duly certified by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate, and provided, further, that the written certification is in the possession of the driver or passenger, as applicable, at the time of the conduct in question; or
  - (c) A passenger automobile which is not required to be equipped with a safety belt system under federal law.
- (5) No person shall be stopped, inspected or detained solely to determine compliance with this section.
- (6) Any person who violates the provisions of this section shall be fined not more than Twenty-Five Dollars (\$25.00).

Section 2 - The Lexington-Fayette Urban County Government Office of the Mayor and Division of Police shall immediately establish a program for disseminating information to the public about the requirements of this section.

Section 3 - That this Ordinance shall become effective upon July 1, 1990.

PASSED URBAN COUNTY COUNCIL: January 25, 1990

CHRONOLOGY OF EVENTS LEADING TO IMPLEMENTATION OF  
LEXINGTON-FAYETTE COUNTY SAFETY BELT ORDINANCE

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- 11-08-89      Fayette County Medical Auxiliary announces the formation of the Saved by the Belt Club.
- 11-13-89      News Conference to release seatbelt survey results.
- 11-21-89      University of Kentucky releases results of six month study on crash victims not wearing belts. University of Kentucky endorses Safety Belt Ordinance.
- 11-27-89      Lexington Herald Leader endorses Safety Belt Ordinance.
- 12-01-89      Mass mailing on costs of nonbelt use and Question/Answer Sheet on safety belts.
- 12-10-89      Eleven local civic groups support Safety Belt Ordinance.
- 12-11-89      Services Committee Hearing on Safety Belt Ordinance.
- 12-20-89      Letter to Prevention and Safety Commission outlining previous recommendations.
- 01-03-90      Urban County Council initial approval of Safety Belt Ordinance.
- 01-25-90      Safety Belt Ordinance passed.
- 05-30-90      Safety belt information and education begins.
- 07-01-90      Safety Belt Ordinance is implemented and enforcement begins.