



BOB ZIEGELBAUER

STATE REPRESENTATIVE • TWENTY FIFTH ASSEMBLY DISTRICT
Issue Summary #2
February 4, 2003

Mandatory Seatbelt Requirement – Primary Enforcement

Background Information:

Current law prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with safety belt use requirement (which says no person may drive a motor vehicle unless he or she is properly restrained by a safety belt and unless he or she reasonably believes that each passenger between the ages of four and fifteen is properly restrained by a safety belt.)

The officer may, however, issue a citation for a violation observed in the course of a stop made for other purposes. Legislation has been proposed in the past, and will likely be introduced during this Session, which would authorize a law enforcement officer to stop or inspect a vehicle solely to determine compliance with safety belt use requirements, “primary enforcement”.

Rep. Ziegelbauer’s View:

I do not support primary enforcement of the mandatory seatbelt requirement first and foremost because it would be renegeing on that clear-cut “bargain” reached between State government and citizen motorists at the time the law was first passed, which promised that if it were allowed to be enacted it would never be used for primary enforcement.

More than this however, I fear that this change risks further undermining the fundamental contract of trust between the people and the police so necessary in a free society. Creating situations which increase doubt among motorists about selective or uneven enforcement, even when that is not the case, undermines everyone’s trust in law enforcement, and does a great disservice to the men and women who serve so faithfully to protect us.

Personal responsibility is an important part of living in a free society. I support seatbelt use. It’s the smart thing to do. But, I do not support “nanny” government enforcement of everything that is “good” for us.

As always, I appreciate hearing from you and the opportunity to exchange views on issues of importance to you.

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STATE CAPITOL: P.O. BOX 8953, MADISON, WI 53708-8953 • (608) 266-0315
TOLL FREE: 1-888-529-0025 • FAX (608)-266-0316 or (608) 282-3625 • E-MAIL: bob.ziegelbauer@legis.state.wi.us
DISTRICT: 1213 S. 8TH STREET, P.O. BOX 325, MANITOWOC, WI 54221-0325
MANITOWOC OFFICE: (920) 684-6783 • HOME: (920) 684-4362

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