

Technical Notes — July '09' - New Seat Belt Law



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The new seat belt law took effect on July 1, 2009, so I thought it would be appropriate for a small tech article. As most of you know, the new law states that a driver may be pulled over for not using a seat belt as a primary offense. Previously, Florida law stated that this violation was secondary and that a police officer had to pull the vehicle over for some other infraction before they could ticket the driver for not using their seat belt. The law still states that it is the driver's responsibility to ensure that all passengers utilize seat belts. If a passenger is under 18 years old, they must wear a seat belt or be otherwise restrained by a child car seat regardless of what seat they are using. All passengers seated in the front passenger seats must

wear a seatbelt regardless of age. However, passengers over 18 years old do not have to wear seatbelts if riding in the rear passenger seats. I can't imagine anyone dumb enough to do this, however. Florida law allows for this to be a mitigating factor in any insurance award since you possibly contributed to your own injuries. Plus, you can get seriously hurt if unrestrained in an accident.

All C3 through C6 came from the factory with seat belts and shoulder harnesses. Since no Corvette has rear passenger seats, it is easy for an officer to spot this infraction. If you have no shoulder harness visible, you're in for a little yellow slip of paper. But what about Club members like me who have C1 or C2 cars? What is the law? Can the officer give me a ticket? Well, let's start with a little history. The early 1953 to 1955 did not come with seat belts from the factory. In fact, they were not even a dealer option although some safety conscientious sole could have had them installed by an aftermarket process. The first seat belts were offered in 1956 Corvettes. The factory installed the four anchors on the floorboard, but the dealer had to buy a kit to install the belts as an accessory. All belts were gray nylon with quick release fittings. There is no data on the number of seat belts installed upon vehicle delivery because the factory did not track dealer-installed accessories. Both the 1956 and 1957 Corvettes used dealer-installed seatbelts. The factory did not install seat belts in those years.

Starting in 1958 all Corvettes had factory installed seat belts. As an aside, let's talk about the belts themselves. As an example, my 1962 seatbelt bore a white tag with blue stitched writing on each belt strap, which had various specifications like "CAA", "Chevrolet", etc. written on them. But, all had the following words on the tags: "Irving Air Chute." The buckles had the words, "Irving Air Chute Model IC 5000" stamped on the back. My point is that early seatbelts were aviation, not automotive, in nature. The car manufacturers went to the parachute folks to get the designs and materials to do the job.

Starting in 1966, shoulder harnesses were offered at options in the Corvette. The option code A85 and of the 26,363 1966 Corvettes sold, only 37 folks could afford this \$26 option. Goes to show you how "constrained" the public felt by shoulder harnesses across their bodies. In 1967 the shoulder harness option was ordered on 1,426 of the 22,940 'Vettes built. Although Ford and Chrysler began offering seat belts as an option on their vehicles in 1956, the United States did not mandate seat belt installation on all vehicles until 1968. So, in that same year, seat belts with shoulder harnesses became a standard factory installed Corvette safety feature.

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Back to my original question: What is the Florida law regarding older vehicles and seat belt use? Here is the direct quote from the DMV: "This law applies to any car manufactured since 1968." However, you might have a difficult time if you were driving your 1961 Corvette in a parade and an officer on the sidelines saw you without your belt on. Your lawyer may cite this statement in court, but do you really want to go there? In your 1956 Vette, you could simply claim that your car did not have this dealer installed option and you didn't want to have NCRS points deducted for installing the incorrect seat belts. You're safe in your 1954 car. The law does not require going back and retrofitting your car to modern standards. Now, the law is a little more ambiguous when it comes to a child restraint seat. If you rode your 4-year old grandson around in your 1955 Corvette and had him in an approved child restraint seat, it would be hard to argue that this met the requirements of the law since you cannot install the seat properly, according to manufacturer's specifications, without a seat belt with which to anchor it.

You might ask why Florida changed its seat belt law effective July 1, 2009. Well, the law requiring the use of seat belts has been in effect since 1986 in Florida. What has changed is that the law is now being enforced as a primary offense. Florida is only the 28th state to make seat belt use a primary offense law. But, think of the current economic conditions in 2009. By enacting the seat belt law as a primary offense law, Florida is now eligible to \$35 million in Federal grants. That's before any officer writes a citation. Oh, and for those of you that say, "No big deal, it's only a \$30 ticket." Well, the state portion of a seat belt infraction is \$30. But, local municipalities can add on to that figure. Flagler County is running near \$80 for this infraction. Many south Florida counties are pushing \$100 for the offense.