

ADMINISTRATIVE MEMORANDUM

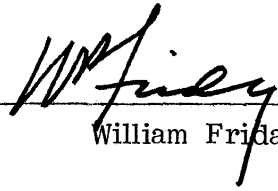
SUBJECT Policy on Seat Belt Use

NUMBER 226

DATE October 15, 1985

Based on discussions at the last Administrative Council meeting, and with several revisions in the text then before us, I request that each campus take appropriate steps to publicize the following statement, as a policy to be overseen and enforced by each campus:

As a matter of public policy, effective October 1, 1985, the State of North Carolina requires that seat belts be used by all drivers and front-seat passengers in most types of motor vehicles. To reenforce and complement that legal requirement, it is the policy of constituent institutions of The University of North Carolina that all persons (both employees and students) traveling in a state vehicle assigned for University use shall use available seat belts. This requirement applies to such persons in their status either as a driver or as a passenger (front or back seat). Failure to comply with this policy may result, at the option of this campus, in the withdrawal of an individual's privilege of using state vehicles.



William Friday

THE UNIVERSITY OF NORTH CAROLINA

General Administration

P. O. BOX 2688

CHAPEL HILL 27515-2688

WILLIAM FRIDAY

President

TELEPHONE: (919) 962-6981

September 25, 1985

MEMORANDUM

TO: General Administration Staff

FROM: William Friday



SUBJECT: Policy on Seat Belt Use

As a matter of public policy, effective October 1, 1985, the State of North Carolina requires that seat belts be used by all drivers and front-seat passengers in most types of motor vehicles. To reenforce and complement that legal requirement, it is the policy of this University that all persons (both employees and students) traveling in either a state or a private vehicle, while engaged in University-approved activities, shall use available seat belts. This requirement applies both to the driver and to all passengers in the vehicle. Failure to comply with this policy may result in the withdrawal of an individual's privilege of using state vehicles assigned for University use.

SAMPLE POLICY STATEMENT

As a matter of public policy, effective October 1, 1985, the State of North Carolina requires that seat belts be used by all drivers and front-seat passengers in most types of motor vehicles. To reenforce and complement that legal requirement, it is the policy of The University of North Carolina that all persons (both employees and students) traveling in a state vehicle assigned for University use shall use available seat belts. This requirement applies to such persons in their status either as a driver of or as a passenger (front or back seat) in the vehicle. Failure to comply with this policy may result in the withdrawal of an individual's privilege of using state vehicles.

THE UNIVERSITY OF NORTH CAROLINA
HIGHWAY SAFETY RESEARCH CENTER

CTP - 197A

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MEMO TO: President William Friday

FROM: B. J. Campbell

BJ Campbell

SUBJECT: University Policy on Seat Belt Use

DATE: August 23, 1985

I offer the following observations for consideration by your staff as regards a policy with respect to seat belt use when students or employees travel on University business.

On October 1, a state law takes effect which will, of course, govern all of us whether on University business or not, and it will require front seat passengers to use seat belts in most vehicles.

In addition, there is already a state policy (see page copies attached) under which drivers of state vehicles are expected to wear seat belts. I do not know whether the University is formally bound by such state regulations.

I believe, however, there is a case for a more comprehensive policy within the University system. It is my recommendation that the University adopt a policy that all students and staff, when traveling on University business, use safety belts, whether driving or riding in a state vehicle or a personal car.

Considerations supporting such a policy:

1. Motor vehicles are the leading cause of death in the workplace.
2. The only work-related death on the UNC Chapel Hill campus in recent years was a motor vehicle crash in which an employee, on University business, died -- not wearing his seat belt.
3. There is particular vulnerability when students travel in connection with university activities. For example, when small athletic squads such as tennis or volleyball teams travel, they frequently use University vans. Debating teams etc. might travel in a stationwagon. In my opinion

the University would be well served to consider a policy of having these students buckle up when riding in connection with University activities.

4. Within the student age group, motor vehicle crashes are, by a wide margin, the leading cause of death.
5. The efficacy of safety belts is well proven in North Carolina crashes. Of every 100 who die unrestrained, between 60 and 65 could be saved if buckled up.
6. Recently two athletes on the UNC Chapel Hill campus (Steve Streater and Joe Rito) were rendered paraplegic by virtue of being unbelted in relatively minor crashes. (In neither case, however, were they traveling on University business).
7. The relevance of such a policy is illustrated by the Campus Police on the UNC Chapel Hill campus. Though they should be role models for safety, and despite the fact that their driving is more hazardous than most, one rarely sees a University policeman wearing a seat belt.
8. I believe there could be liability action against the University in the absence of such a belt policy. Perhaps it is far fetched, but if there were a crash involving students in a UNC van, it is not beyond imagination to suppose that parents might sue the University for allowing students to ride unprotected. Though, the University could mount a vigorous and effective defense, the mere fact of having to defend such a case might be undesirable.

To repeat, I offer for consideration of your staff the possibility that a policy might be enunciated calling essentially for universal use of seat belts. If there is any interest, I would be glad to be of service:

1. I could draw together such technical backup materials as you might desire.
2. I could host a meeting of campus representatives from around the state, (for example health and safety directors) to explore interest and views on such a policy.

If there is any interest, I would be delighted to help in any way I can.

BJC:tap

**Motor Fleet Management's
Handbook
for
Drivers**

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Foreword

The Motor Fleet Management Division's purpose is to supply transportation, needed by North Carolina state employees in the performance of their duties, in the most efficient and cost effective way. The Division is located in the North Carolina Department of Administration, and its administrative offices are located on the fourth floor of the State Legislative Office Building at the corner of Lane and Salisbury Streets. The telephone number is (919) 733-6540.

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N. C. Department of Administration
Motor Fleet Management Division
September, 1983

- C. If false information is willfully and knowingly submitted on any reports or applications.
- D. If reports or forms are not signed properly.
- E. If vehicle abuse occurs.
- F. If it is established that the cost per mile of any permanently assigned vehicle is above the acceptable rate as established by the division.
- G. If other rules and regulations or policies are willfully violated.

Requests for Permanent Assignment of Vehicles

Requests for vehicles to be assigned to individuals or agencies on a permanent or indefinite basis or for a period in excess of thirty (30) calendar days, shall be made on Form FM-13, signed by the department head, and forwarded to the Division at least ten (10) calendar days prior to date of need. A photocopy of the assigned driver's valid N. C. driver's license shall be submitted with the Form FM-13.

Return of Assigned Vehicles

Vehicles assigned on a temporary basis shall be returned to the motor pool from which they were assigned.

All permanently assigned vehicles must be returned to the Motor Fleet Management Division Garage on Blue Ridge Road. When returning a permanently assigned vehicle, all credit cards assigned to that vehicle and the Travel Log book must be returned.

Seat Belts

Seat belts are required to be worn by all drivers of state-owned vehicles.

Termination Procedures

Drivers and agencies will be notified when a vehicle assignment is being cancelled for any reason.

Any appeal to a termination notice and statement of exception by the agency will be sent to the Secretary of Administration. The Secretary will review the case and a hearing will be held by the Secretary.

CHAPTER 222
SENATE BILL 39

AN ACT TO MAKE THE USE OF SEAT BELTS IN MOTOR VEHICLES MANDATORY.
The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-135.2a. Seat belt use mandatory.--(a) Each front seat occupant who is 16 years of age or older and each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have such a safety belt properly fastened about his body at all times when the vehicle is in forward motion on a street or highway in this State. Each driver of a passenger motor vehicle manufactured with seat safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208, who is transporting in the front seat a person who is (1) under 16 years of age and (2) not required to be restrained in accordance with G.S. 20-137.j, shall have the person secured by such a safety belt at all times when the vehicle is operated in forward motion on a street or highway in this State. Persons required to be restrained in accordance with G.S. 20-137.j shall be secured as required by that section. (b) 'passenger motor vehicle', as used in this section, means a motor vehicle with motive power designed for carrying 10 passengers or fewer, but does not include a motorcycle, a motorized pedalcycle or a trailer.

(c) This section shall not apply to any of the following:

- (1) a driver or occupant with a medical or physical condition that prevents appropriate restraint by a safety belt or with a professionally certified mental phobia against the wearing of vehicle restraints;
- (2) a motor vehicle operated by a rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier;
- (3) a driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle if the speed of the vehicle between stops does not exceed 20 miles per hour;
- (4) any vehicle registered and licensed as a property-carrying vehicle in accordance with G.S. 20-88, while being used for agricultural or commercial purposes; or
- (5) a motor vehicle not required to be equipped with seat safety belts under federal law.

(d) Failure to wear a seat safety belt in violation of this section shall not constitute negligence or contributory negligence in any action for the recovery of damages arising out of the operation, ownership or maintenance of a motor vehicle, nor shall anything in this act change any existing law, rule or procedure pertaining to any such civil action.

(e) Any person violating this section during the period from October 1, 1985, to December 31, 1986, shall be given a warning of violation only. Thereafter, any person violating this section shall have committed an infraction and shall pay a fine of twenty-five dollars (\$25.00). An infraction is an unlawful act that is not a crime. The procedure for charging and trying an infraction is the same as for a misdemeanor, but conviction of an infraction has no consequence other than payment of a fine. A person convicted of an infraction may not be assessed court costs.

(f) No drivers license points or insurance surcharge shall be assessed on account of violation of this section.

(g) The Commissioner of the Division of Motor Vehicles and the Department of Public Instruction shall incorporate in driver education programs and driver licensing programs instructions designed to encourage compliance with this section as an important means of reducing the severity of injury to the users of restraint devices and on the requirements and penalties specified in this law.

(h) The Department of Transportation through the Governor's Highway Safety Program shall evaluate the effectiveness of this act and shall include a report of findings in its report on highway safety no later than October 1, 1988."

Sec. 2. This act shall become effective October 1, 1985. This act shall cease to be effective if, and upon such date as, a final determination by lawful authority is made that the North Carolina law on mandatory safety belt usage does not meet the minimum criteria established by the United States Department of Transportation for State mandatory safety belt usage laws necessary to rescind the federal rule requiring automobile manufacturers to phase in automatic occupant restraints in automobiles.

In the General Assembly read three times and ratified, this the 23rd day of May, 1985.

ROBERT B. JORDAN III

Robert B. Jordan III
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives



Appalachian State University
Boone, North Carolina 28608

704/262-2040

MEMORANDUM TO: President William Friday

FROM: John E. Thomas *JET*

DATE: September 30, 1985

SUBJECT: University Policy on Seat Belt
Use

We have staffed the question of the University policy on seat belt use through the Administrative Cabinet at this institution. There are no strong feelings either way regarding the proposed policy on the use of seat belts. The question has been raised whether it is best to attempt to address one law with a complementary policy when there are many, many laws that a university employee must comply with. It has been suggested that each campus simply remind its employees of the new law and encourage them to comply.

Please let me know if we can provide further information.

JET:jw