

From: Will Folks <wfolks@gov.sc.gov>

To: Will Folkswfolks@gov.sc.gov

Date: 2/10/2005 1:52:19 PM

Subject: Opinion Editorial - Seat Belt Bill Needs Further Review

Attachments: c021005 - Seat Belt Bill Needs Further Review.doc

SC Media-

Attached to this e-mail please find an opinion editorial submitted by Gov. Sanford for your consideration regarding the seat belt bill recently passed by the South Carolina Senate. The editorial is also pasted into the body of this e-mail below ... feel free to call us should you have any questions.

-BEGIN OPED-

Seat Belt Bill Needs Further Review
By Mark Sanford

The State Senate passed a bill on seat belts last week, which is important news given that last year, Senators weren't even able to vote on this bill because of the rather peculiar rules of that body. This action suggests that more ideas may be able to make their way through our political system thanks to the Senate updating its rules. So if you get a chance, I'd ask you to call your Senator and say 'Thank You' for this reform that improves the odds of needed changes coming to our state.

Since the seat belt bill did make it out of the Senate, I think it's important to lay out where I am on this issue so that improvements can be made to this bill as it heads to the House of Representatives. Without those changes, I will not be able to support this bill.

Currently, this legislation would impose a \$12 fine for not wearing your seat belt * but would do nothing to make seat belt use admissible as evidence in the courtroom. That doesn't make common sense to me * if you don't wear your seat belt and are hurt in an accident * that strikes me as the kind of thing a jury ought to know.

If someone knew that juries were factoring seat belt use in determining damages in civil lawsuits, we could go a lot further in influencing behavior than with a nominal fine. Unfortunately, this bill doesn't do that. In fact, it goes even further in the opposite direction by actually prohibiting things that would most positively impact seat belt use. For instance, no record of the offense could be kept, seat belt usage (or lack thereof) could not be reported to an insurance company, and police could not put up a roadside highway check * though these are currently used to check for licenses. All of this is important because at the end of the day, legislation ought to be centered on the things that will make the biggest difference.

We should all be skittish about fines without including other reforms because the dirty little secret that we all know in South Carolina is that for some small towns, speeding tickets are less about speeding than they are about revenue. For instance, a few years ago I remember seeing an article about Cottageville and how court fines there represented \$230,350 of their \$327,854 budget. Another article in a similar vein two years ago talked about a two-time Trooper of the Year recipient who contended there was a ticket writing quota system within the patrol.

The bottom line is that I don't see why we would want to create another way for people to be taxed by government if we are not willing to enact market-based solutions that would impact people's behavior in a much broader way than a simple fine.

This is particularly important to me given my personal views on any freedom we enjoy as Americans. Throughout my time in public life, I've always worked from the premise that our founding fathers viewed liberty, not safety from one's personal actions, as the greatest public value. I believe it is government's role to encourage prudent personal actions, not to criminalize poor individual choices or the self-inflicted wounds that accompany them, when simply exposing an individual to the real cost of their action would make a bigger difference than government's sanction of behavior. Bad choices * whether getting too much sun, eating too much of the wrong things or smoking * cause people to hurt themselves. As an administration, we have tried to raise awareness of their impacts in everything from the prevention grants highlighted in my budget and State of the State * to our Family Fitness Challenge highlighting the need for South Carolinians to be just a bit more active. Ultimately, though, in a free world I believe people should be able to do things that are both stupid and inherently self-destructive provided the harm only comes to them * and they are not directly harming another person.

It is for these reasons I believe government should be especially circumspect when public policy dictates a review of government policy toward individual behavior. For government to have legitimacy in stepping into the territory of protecting people from themselves I believe it can only proceed if it (1) institutes policy that maximizes the intended consequence, and (2) allows individuals to directly bear the cost of their behavior wherever possible so that personal choices rather than government edict drive individuals to the outcome society desires.

If we do these things, we will empower people to make decisions that are good for them and for society as a whole. Despite the hard work and good intentions of people I admire like Senator Greg Ryberg, this bill hasn't yet struck the balance between government, individual choices and outcomes. Until it does, I think it is worthy of further review by all of us in South Carolina.

Mark Sanford is governor of South Carolina.

-END OPED-

W

Will Folks
Press Secretary, Governor Mark Sanford
803-734-5258 (office)
803-734-6447 (facsimile)
803-446-6713 (mobile)
wfolks@gov.sc.gov
www.scgovernor.com