

# 'Primary' seatbelt bill calls for warnings

BY TIM RICHARD  
STAFF WRITER

If at first you don't succeed, add a lot of water and try, try again.

That formula worked for state Rep. Frank Fitzgerald Oct. 28 as the Michigan House finally approved his bill making it a "primary" offense when motorists fail to wear seat belts.

Fitzgerald, R-Grand Ledge, saw his bill rejected in May on a 47-56 vote. This time it passed 63-44 with three absent.

"We're not denying people's constitutional rights," said Fitzgerald after the session. "We'll cause a significant number of people to put on belts."

Specifically he hopes the bill, now on its way to the Senate, will raise the rate of seat belt usage from about 70 to 85 percent. "That

will save 100 lives a year and eliminate 3,000 to 4,000 injuries," he said.

Was it watered down? "Yes" was the firm answer from freshman Rep. Andrew Rackowski, R-Farmington Hills, who was a "no" vote at 2:20 p.m. and a "yes" vote on final passage at 4:30. He cited three modifications:

■ "We sunsetted the bill by 2004," meaning it will expire that year and must be re-passed to continue as law.

■ "We put in warnings. When an officer pulls you over, they can only give you a warning. They put the person's name into a log and lien system. The second time (a driver is stopped), they can write you a ticket, but it has to be the same officer in the same jurisdiction."

■ Fitzgerald's bill is tie-barred to House Bill 4757, which will require insurers to reduce no-fault auto rates to reflect any reductions in deaths and injuries. A "tie-bar" means that both bills must be passed in order to become law. HB 4757, sponsored by Rep. Burton Leland, D-Detroit, is on the House calendar but has yet to be voted on.

"It took us 10 years to get this far," said Rep. Lyn Bankes, R-Redford, who voted for the original law to make seat belt violations a "secondary" offense. That means a police officer may ticket you for

failure to wear a seat belt only after stopping you for another offense. "There's enough evidence that we need this."

Rep. Greg Kaza, R-Rochester Hills, was unconvinced by the safety statistics. "They (supporters) claim there is a correlation between seat belt laws and traffic death reductions. There are studies on both sides," said the libertarian lawmaker, who voted no to reflect his district's views.

"Republicans lost control of the House in 1996 because they ignored their political base," said Kaza. "That's what they're doing

today. They're doing the bidding of lobbyists, mostly corporations, insurance companies."

Rep. Dave Galloway, R-White Lake, a former police officer, scoffed that "we don't need another tool." He predicted "overzealous law enforcement officers will look for more arrests," harassing the public. Galloway said patrol officers have enough to do without peering at drivers to see if they are wearing seatbelts.

Here is how area lawmakers voted:

YES — Patricia Godchaux, R-Birmingham, Shirley Johnson, R-

Royal Oak, Tom Middleton, R-Orionville, Andrew Rackowski, R-Farmington Hills, Nancy Quarles, D-Southfield.

NO — Penny Crissman, R-Rochester, Barbara Dobb, R-Union Lake, Greg Kaza, R-Rochester Hills.

Opponents were almost equally divided between the parties — 23 Democrats and 21 Republicans. Detroiters were as likely to oppose it as "Yoopers."

Fitzgerald's bill came to a vote after delays, caucuses and deal-making. Gov. John Engler said he would sign it.

## Ramp from page A13

and go up the street to visit his friends," Mrs. Richards said.

Until now, Tony relied on his parents to carry him down the front-porch steps.

The ramp, completed Saturday on National Make A Difference Day, was the fifth ramp in as many years built by Leadership Oakland Alumni, a charitable group of Oakland County business executives.

For the fifth year, Brian Ferrilla served as the project leader for the Build A Ramp Project. "We are having a great day. We live for days like this," Ferrilla said.

Ferrilla, owner of System Solvers, Ltd. in Madison Heights, said about 60 volunteers of all ages have contributed efforts with smiles over the last three weekends.

"In five years, we've learned you can't do it all in one day. The first weekend, we broke out the existing concrete to make room for the construction. The second, we poured the foundation. Today we'll finish up the hammering and sawing, and Tony will cut the ribbon on the finish line," Ferrilla said.

Leadership Oakland members Nick Raab, vice president of the architectural firm Ellis/Naeyer/Gensheimer Associates of Troy, drew up the plans for Tony's ramp, and Elmer Cerano, executive director of the United Cerebral Palsy of Metropolitan Detroit in Southfield, worked to identify the families in need of a ramp.

Raab said this project benefits families, and families of all ages participate in the building. "We join Leadership Oakland so we can give back to the community, but the bonus is the people we meet. Look at the kids picking up tools and taking part. It really feels good," Raab said.

Paul Landry, of Novi, said he came to build the ramp because as a person with a disability himself, he advocates for accessibility. "We have to be able to get from our houses right out into the community. Access is still a problem. It's better than it's been, but we have a long way to go," Landry said.

The Build A Ramp project has earned Leadership Oakland recognition in the national Make A Difference Day event, which honors volunteer organizations throughout America. The top 10 projects from around the nation are awarded \$2,000 for the associated charity.

Dan Minkus, president of Troy-based Leadership Oakland, said the organization was formed eight years ago through the affiliation of several Oakland County Chambers of Commerce, but now is standing on its own.

"We are looking forward to shaping our own direction, becoming our own entity. Build A Ramp is the signature project,

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Do you really need a will? This and other common questions are the focal point of a free seminar pertaining to probate court from 1 to 3:30 p.m. Monday (Nov. 3) at the Oakland County Commissioners Auditorium, 1200 N. Telegraph in Pontiac.

Attorneys, probate court staff and a bank trust officer will answer questions on issues like guardianships or conservatorships for minors, estate planning and probate procedures. More information at (248) 668-0053.

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Brian Ferrilla  
—project leader

but we are planning other annual events that will take shape throughout the year," Minkus said.

More than 300 distinguished executives have graduated from the annual Leadership Oakland program. Most contribute to community projects through continued membership in the Leadership Oakland Alumni Association.

While Tony will work to regain lost strength from his recent surgery, he looks forward beyond physical therapy to two big events, Halloween and returning to school in January.

He hasn't been in the classroom at all this year, and he misses a few things.

"I miss my friends and I miss some of the lunches," Tony said.

He may have been joking about school lunches, but he isn't joking about his Halloween costumes.

"I've always wanted to be a Leprechaun, but we can't find a pattern for the costume. Then, I thought I would be like Elmo, because Elmo is small and has red hair, like me," he said.

Without an Elmo pattern, he's opted for a ghost-like ghoul named Spooky, because Spooky wears a black top hat.

For information about Leadership Oakland/Oakland Leadership Council Inc., call (248) 952-6880.

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