

SS SCS SB 30 -- FAILURE TO WEAR A SEATBELT

SPONSOR: Hegeman

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 10 to 4. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 5 to 3.

Currently, in any civil action to recover damages, failure to wear a safety belt is not allowed as evidence of comparative negligence, but may be introduced to mitigate damages. This bill specifies that in actions arising out of the design, construction, manufacture, distribution, or sale of a motor vehicle factory equipped with a safety belt, failure to wear a safety belt by the plaintiff shall be admissible as evidence of comparative negligence or fault, causation, absence of a defect or hazard, and failure to mitigate damages.

This bill has an effective date of January 1, 2020.

PROPOSERS: Supporters say that current law ties the hands of auto manufacturers as juries are asked to evaluate seatbelt designs and this limits juries' decision-making abilities. They should not be limited in how much they are able to reduce awards when an occupant decides not to use a seatbelt. Currently, 84% of Missouri citizens wear their seatbelts, so they know how important they are, and 60% of those killed in motor vehicle accidents were not wearing their seatbelts. The current statute has been in place since the '80s and it is time to allow juries to contemplate a person's failure to wear a seatbelt when determining awards. Plaintiffs should be held accountable for failing to wear a seatbelt, just as they are if they speed.

Testifying for the bill were Senator Hegeman; Brandon Koch, Missouri Insurance Coalition; Ross Lien, Missouri Chamber of Commerce and Industry; Associated Industries of Missouri; General Motors, LLC; Dana Frese, Missouri Organization of Defense Lawyers; Missouri Civil Justice Reform Coalition, Inc; Ford Motor Company; and Lee Mickus, American Tort Reform Association.

OPPOSERS: Those who oppose the bill say that this bill could be improved with an amendment to bring it in line with the rules of evidence. Also, the way the bill is written allows the evidence about seatbelt-wearing to be admissible even when it had nothing to do with the injuries the plaintiff sustained.

Testifying against the bill was Steve Gorney, Missouri Association of Trial Attorneys.