

Judiciary Committee

HB 2118

Title: An act relating to the failure to wear safety belt assembly.

Brief Description: Revising negligence standards regarding the failure to wear safety belts.

Sponsors: Representatives Fisher, Ericksen, Mitchell, Jarrett, Lovick and Schual-Berke.

Brief Summary of Bill

- *Removes the provision in the seat belt law that prohibits the admission of evidence, in a civil action, that a person was not wearing a seat belt.*

Hearing Date: 2/22/01

Staff: Trudes Hutcheson (786-7384).

Background:

In 1986, the Legislature enacted seat belt laws that require anyone who is operating a vehicle or riding as a passenger to wear a safety belt or, where appropriate, be in a child safety seat. It is a traffic infraction for any person not to wear a seat belt.

The seat belt statute also provides that a person's failure to comply with the seat belt requirement does not constitute negligence and is not admissible as evidence of negligence in any civil action.

Even before the Legislature enacted the statute in 1986, courts precluded evidence of failure to wear a seat belt in negligence actions. In a 1977 state supreme court case affirming a lower court's decision to exclude such evidence, the court reasoned that seat belts were not required in all vehicles, there was no statutory requirement to wear seat belts, and the injured party need not predict the negligence of another.

Washington recognizes the concept of comparative fault— in negligence actions for damages. Under comparative fault, any contributory fault of the plaintiff diminishes proportionally the amount of damages awarded to the plaintiff. The trier of fact

determines the percentage of the total fault which is attributable to every entity which caused the injured party's damages.

Summary of Bill:

The bill removes the provision prohibiting the admission of evidence, in a civil action, that a person was not wearing seat belts.

Section 1 of the bill expires July 1, 2002.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

Effective Date: *Ninety days after adjournment of session in which bill is passed, except for section 2, which takes effect July 1, 2002.*