
Judiciary Committee

HB 2051

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 Rockefeller, Lantz, Moeller and O'Brien.

Brief Summary of Bill

- Removes the provision in statute declaring that a person's failure to use a seat belt is not negligence, and provides that a person's failure to use a seat belt may be admissible as evidence of negligence in a civil action.

Hearing Date: 3/3/03

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Any person 16 or older driving or riding in a car is required to wear a seat belt. A person may not drive a car unless any child passenger under 16 is wearing a seat belt or is in an appropriate car seat. A person who fails to comply with the seat belt laws may be issued a traffic infraction.

The seat belt statute specifically declares that a person's failure to comply with the seat belt requirement does not constitute negligence. In addition, the same statute provides that the failure to wear a seat belt is not admissible as evidence of negligence in any civil action.

Washington recognizes the concept of "comparative fault" in negligence actions. In an action based on "fault," any contributory fault of the plaintiff will proportionately reduce the defendant's liability for the plaintiff's injuries. "Fault" includes acts or omissions that are negligent or reckless.

However, based on the seat belt statute, Washington courts have held that evidence of failing to wear a seat belt cannot be used to show the plaintiff's contributory fault. *Clark v. Payne*, 61 Wn. App. 189 (1991).

With certain exceptions, a violation of a statutory mandate is not per se negligence, but the fact of such a violation may be introduced as evidence of negligence.

Summary of Bill:

The provision stating that non-compliance with the seat belt law is not negligence is removed.

A person's failure to comply with the seat belt requirements may be admissible as evidence of negligence in any civil action.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.