

HOUSE BILL NO. HB0077

Seat belts-evidence in civil actions.

Sponsored by: Representative(s) Stubson, Berger and Landon and Senator(s) Case

A BILL

for

1 AN ACT relating to the regulation of traffic on highways  
2 and civil actions; allowing a person's failure to wear a  
3 safety belt to be admissible evidence in civil actions; and  
4 providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 31-5-1402(f) is amended to read:

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10 **31-5-1402. Safety belts required to be used;**  
11 **exceptions; reduction in fine.**

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13 (f) Evidence of a person's failure to wear a safety  
14 belt as required by this act shall not be admissible in any  
15 civil action in this state to prove or disprove the issue  
16 of comparative fault under W.S. 1-1-109, but may be

1 introduced into evidence in mitigation of damages, provided  
2 the party introducing the evidence has plead such failure  
3 to wear a safety belt as an affirmative defense. Each  
4 party seeking to offer evidence of a failure to wear a  
5 safety belt has the burden of proving that a safety belt  
6 was not in use, that use of a safety belt would have  
7 reduced injuries and the extent to which use of a safety  
8 belt would have reduced injuries.

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10 **Section 2.** This act is effective July 1, 2009.

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(END)