HOUSE BILL No. 1031

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-19.

Synopsis: Passenger restraint systems. Repeals: (1) provisions specifying that failure to comply with the laws concerning safety belt and child passenger restraint system use does not constitute fault or contributory negligence; and (2) a prohibition against the admission of evidence of failure to comply with the law concerning safety belt use in civil actions to mitigate damages.

Effective: July 1, 2014.

Torr

January 7, 2014, read first time and referred to Committee on Judiciary.

Introduced

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1031

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-19-10-0.1, AS ADDED BY P.L.220-2011, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.1. **(a)** The amendments made to section 7 of this chapter **(before its repeal)** by P.L.121-1993 apply to a product liability action that arises after June 30, 1993.

(b) This section expires July 1, 2024.

SECTION 2. IC 9-19-10-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 7. (a) Failure to comply with section 1, 2, or 3.1(a) of this chapter does not constitute fault under IC 34-51-2 and does not limit the liability of an insurer.~~

~~(b) Except as provided in subsection (c), evidence of the failure to comply with section 1, 2, or 3.1(a) of this chapter may not be admitted in a civil action to mitigate damages.~~

~~(c) Evidence of a failure to comply with this chapter may be admitted in a civil action as to mitigation of damages in a product liability action involving a motor vehicle restraint or supplemental~~

~~restraint system. The defendant in such an action has the burden of proving noncompliance with this chapter and that compliance with this chapter would have reduced injuries, and the extent of the reduction.~~

SECTION 3. IC 9-19-11-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. Failure to comply with this chapter does not constitute contributory negligence.~~