

# HOUSE BILL No. 1022

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-19.

**Synopsis:** Passenger restraint systems. Repeals a provision specifying that failure to comply with the laws concerning safety belt and child passenger restraint system use does not constitute fault or contributory negligence. Repeals 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, 2023.

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January 9, 2023, read first time and referred to Committee on Judiciary.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1022

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:*

1 SECTION 1. IC 9-19-10-0.1, AS ADDED BY P.L.220-2011,  
2 SECTION 213, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2023]: Sec. 0.1. (a) The amendments made to  
4 section 7 of this chapter (**before its repeal**) by P.L.121-1993 apply to  
5 a product liability action that arises after June 30, 1993.

6 (b) **This section expires July 1, 2033.**

7 SECTION 2. IC 9-19-10-7 IS REPEALED [EFFECTIVE JULY 1,  
8 2023]. ~~Sec. 7: (a) Failure to comply with section 1, 2, or 3.1(a) of this~~  
9 ~~chapter does not constitute fault under IC 34-51-2 and does not limit~~  
10 ~~the liability of an insurer.~~

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

14 (c) ~~Evidence of a failure to comply with this chapter may be~~  
15 ~~admitted in a civil action as to mitigation of damages in a product~~  
16 ~~liability action involving a motor vehicle restraint or supplemental~~  
17 ~~restraint system. The defendant in such an action has the burden of~~



1 proving noncompliance with this chapter and that compliance with this  
2 chapter would have reduced injuries; and the extent of the reduction:  
3 SECTION 3. IC 9-19-11-8 IS REPEALED [EFFECTIVE JULY 1,  
4 2023]. Sec. 8: Failure to comply with this chapter does not constitute  
5 contributory negligence.

