

# HOUSE BILL No. 1431

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-19-10-7.

**Synopsis:** Seat belt usage and comparative fault. Provides that a plaintiff's failure to wear a seatbelt may be used as evidence of the plaintiff's fault in a civil action for damages.

**Effective:** July 1, 2021.

---

---

## Carbaugh, Lehman

---

---

January 14, 2021, read first time and referred to Committee on Judiciary.

---

---



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1431

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 9-19-10-7, AS AMENDED BY P.L.262-2013,  
2 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) ~~Failure to comply with~~  
4 ~~section 1, 2, or 3-1(a) of this chapter does not constitute fault under~~  
5 ~~IC 34-51-2 and does not limit the liability of an insurer.~~

6 (b) **(a) Except as provided in subsection (c), evidence of the failure**  
7 **to comply with section 1, 2, or 3-1(a) of this chapter may not be**  
8 **admitted in a civil action to mitigate damages. Failure to comply with**  
9 **this chapter may be admitted as evidence in a civil action as proof**  
10 **of the plaintiff's fault under IC 34-51-2 when recovering damages**  
11 **from a defendant. The defendant in such an action has the burden**  
12 **of proving by a preponderance of the evidence noncompliance with**  
13 **this chapter and that compliance with this chapter would have**  
14 **reduced injuries, and the extent of the reduction.**

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



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

