

# SENATE BILL No. 163

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Evidence of lack of seat belt use. Provides that evidence concerning a failure to comply with safety belt requirements, including a child restraint system, may be admissible in a civil action. Repeals a provision that failure to comply with a child restraint system does not constitute contributory negligence.

**Effective:** July 1, 2023.

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## Gaskill

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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.

## SENATE BILL No. 163

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, 2023]: 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) ~~Except as provided in subsection (e), evidence of the failure to~~  
7 ~~comply with section 1, 2, or 3.1(a) of this chapter may not be admitted~~  
8 ~~in a civil action to mitigate damages.~~

9 (c) Evidence of a failure to comply with **section 2** of this chapter,  
10 **IC 9-19-11-2, or IC 9-19-11-3.6** may be admitted **is admissible** in a  
11 civil action as to:

12 (1) mitigation of damages; ~~in a product liability action involving~~  
13 ~~a motor vehicle restraint or supplemental restraint system. The~~  
14 ~~defendant in such an action has the burden of proving~~  
15 ~~noncompliance with this chapter and that compliance with this~~  
16 ~~chapter would have reduced injuries, and the extent of the~~  
17 ~~reduction.~~



1           **(2) fault under IC 34-51-2; or**  
2           **(3) causation.**  
3           SECTION 2. 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.

