



2023 SENATE BILL 77

February 21, 2023 - Introduced by Senators JAMES, FEYEN and MARKLEIN, cosponsored by Representatives SPIROS, GREEN and NEDWESKI. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 347.48 (2m) (g) of the statutes; **relating to:** recovery of
2 damages for failure to wear a safety belt.

Analysis by the Legislative Reference Bureau

This bill eliminates the cap on the amount that recovery for injuries or damages may be reduced for failure to wear a safety belt.

Under current law, evidence of whether an individual complied with the requirement to wear a safety belt for the operator of the motor vehicle and passengers is admissible in a civil action for injuries or damages resulting from the use or operation of a motor vehicle. If the individual failed to wear a safety belt, the recovery for injuries or damages may be reduced by the amount determined to be caused by the failure to wear a safety belt, but the reduction may not be more than 15 percent.

The bill allows the reduction in recovery but eliminates the 15-percent limit. Under current law and under the bill, the calculation in reduction of recovery for failure to wear a safety belt does not affect the determination of causal negligence in the civil action.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 347.48 (2m) (g) of the statutes is amended to read:
4 347.48 **(2m)** (g) Evidence of compliance or failure to comply with par. (b), (c),
5 or (d) is admissible in any civil action for personal injuries or property damage

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1 resulting from the use or operation of a motor vehicle. Notwithstanding s. 895.045,
2 with respect to injuries or damages determined to have been caused by a failure to
3 comply with par. (b), (c), or (d), such a failure ~~shall not~~ may reduce the recovery for
4 those injuries or damages ~~by more than 15 percent~~. This paragraph does not affect
5 the determination of causal negligence in the action.

6

(END)