



**Senate Committee on Judiciary
Testimony in Support of Senate Bill 296
Presented by Eric Stafford, Vice President of Government Affairs**

Wednesday, February 7, 2018

Mister Chairman and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber appreciates the opportunity to testify in support of Senate Bill 296 which allows for evidence of the failure to wear a seat belt to be admissible when determining “any aspect of comparative negligence or mitigation of damages.”

Just last year, the Kansas Legislature deemed it to be good public policy to triple the fines for failure to wear a seat belt, increasing the penalty from \$10 to \$30. One would assume this policy decision was made because the data shows wearing a seat belt significantly reduces the likelihood of serious injury or death in an automobile accident. Kansans agree; more than 80% of our state’s residents choose to wear their seat belt when riding in a vehicle (in the 1970’s approximately 12% of people nationwide wore seat belts). Additionally, Kansas has, since 2010, made the seat belt mandate a primary offense. According to the National Highway Traffic Safety Administration, “the simple act of buckling a seat belt can improve an occupant’s chance of surviving a potentially fatal crash from 44 percent to 73 percent.”

While the legislature believes it to be in the best interest of Kansans to buckle up, our existing law prevents Kansas jurors asked to determine verdicts in lawsuits arising from motor vehicle accidents from considering evidence that an occupant had failed to use their seat belt. Senate Bill 296 attempts to change that law so juries can decide whether seat belt usage would have prevented or significantly reduced a person’s injuries.

Failure to wear a seat belt significantly increases chance for severe injuries in an automobile accident. Juries being asked to determine fault and award damages arising from a crash should be allowed to consider evidence of whether the plaintiff was wearing their seat belt, and then use their best judgement to determine how much not wearing a seat belt worsened the plaintiff’s injuries and adjust damages/awards accordingly. If we trust our juries to properly compensate individuals who have been harmed, then we should provide them with all the evidence to make a proper determination of fault.

In closing, we believe Senate Bill 296 is a common-sense piece of legislation to complement existing law regarding the effectiveness of reducing injury through use of a seat belt. We thank you for the opportunity to testify in support of this bill, and I am happy to answer any questions at the appropriate time.