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WRITTEN ONLY

STATEMENT OF BRAD SMOOT
LEGISLATIVE COUNSEL
THE AMERICAN INSURANCE ASSOCIATION
SENATE JUDICIARY COMMITTEE
REGARDING 2018 SB 296
FEBRUARY 7, 2018

Mr. Chairman and Members:

Thank you for this opportunity to comment on behalf of the American Insurance Association regarding 2018 Senate Bill 296. AIA is a trade group of more than 300-member insurance companies who write commercial, general liability, auto, home, life and workers compensation insurance in all 50 states. Our members include companies that are household names, employ thousands of Kansans and may even insure your family or business.

On behalf of our policyholders and member companies, AIA offers our support for the removing the ban on disclosure of failure or use of seat belts in civil automobile cases as proposed by 2018 SB 296. Now that federal law requires vehicles sold in the U.S. to have seat belts; now that Kansas law requires their use for the driver and all passengers and now that we have decades of experience using seat belts, it makes absolutely no sense to deny jurors the right to know that an occupant of a vehicle contributed to his or her own injuries by failing to follow the Kansas seat belt law.

The National Highway Transportation Safety Administration reported that in any given year, there are 5 million accidents with 2 million injuries. See NHTSA Traffic Safety Facts 2013. The federal government also reported that “the simple act of buckling a seat belt can improve an occupant’s chance of surviving a potentially fatal crash by from 44 to 73 percent . . . They are also highly effective against serious nonfatal injuries.” See NHTSA, The Economic and Societal Impact of Motor Vehicle Crashes (Revised May 2015) at 193.

While seat belts may not be the proximate cause of an accident, based on the above data, there can be no doubt that failure to wear them is frequently a factor in the severity of any injuries suffered by those at fault and those not at fault. Failure to use seat belts is valuable information in assessing damages. Defendants that contribute to an auto accident will still be held liable for the damages they caused but those damages may be reduced by a jury to reflect the plaintiff’s own contribution to injuries caused by the failure to wear a seat belt.

SB 296 is a bill that’s time has come. It’s time to really mean it when we say “buckle up.” Thank you for consideration of our view.

