



Admissibility of Seat Belt Non-use Evidence

Admissibility of Seat Belt Non-Use Evidence State by State Guide

Alabama	Inadmissible	Ala. Code § 32-5B-7
Alaska	Mitigation of damages	Hutchins v. Schwartz, 724 P.2d 1194, 1199 (Alaska 1986)
Arizona	Comparative fault	Law v. Superior Court, 755 P.2d 1135. 1145 (Ariz. 1988)
Arkansas	Product liability only	Ark. Code Ann. § 27-37-703 (2008)
California	Comparative fault	Cal. Veh. Code § 27315(i)
Colorado	Mitigation of damages for pain and suffering only	Colo. Rev. Stat. § 42-4-237(7) (2009)
Connecticut	Inadmissible	Conn. Gen. Stat. Ann. § 14-100a(c)(3)
Delaware	Inadmissible	Del. Code Ann. tit. 21, § 4802(i)
District of Columbia	Inadmissible	D.C. Code § 50-1807
Florida	Comparative fault	Fla. Stat. Ann. § 316.614(10)
Georgia	Inadmissible	Ga. Code Ann. § 40-8-76.1(d)
Hawaii	Unsettled (No common law duty to wear seat belt to mitigate damages)	<i>Kealoha v. County of Hawai'i</i> , 844 P.d2d 263 (Haw. 1993).
Idaho	Inadmissible	Idaho Code Ann. § 49-673(8)
Illinois	Inadmissible	625 Ill. Comp. Stat. Ann. 5/12-603.1(c)
Indiana	Product liability only	Ind. Code § 9-19-10-7(b), and (c)
Iowa	Mitigation of damages up to 5%	Iowa Code Ann. § 321.445(4)



Kansas	Inadmissible	Kan. Stat. Ann. § 8-2504(c)
Kentucky	Mitigation of Damages	<i>Wemyss v. Coleman</i> , 729 S.W.2d 174, 179 (Ky. 1987)
Louisiana	Inadmissible	La. Rev. Stat. Ann. § 32:295.1(E)
Maine	Inadmissible	Me. Rev. Stat. tit. 29-A, § 2081(3-A); 2458(3)
Maryland	Product liability only	Md. Code Ann., Transp. § 22-412.3(h), (i)
Massachusetts	Unsettled (no evidence to show seat belt nonuse was causally related to injuries)	<i>Shahzade v. C.J. Mabardy, Inc.</i> , 586 N.E.2d 3 (Mass. 1992).
Michigan	Comparative fault up to 5%	Mich. Comp. Laws Serv. § 257.710e(7)
Minnesota	Product liability only	Minn. Stat. Ann. § 169.685(4)(a)
Mississippi	Inadmissible	Miss. Code Ann. § 63-2-3
Missouri	Mitigation of damages up to 1%	Mo. Ann. Stat. § 307.178(4)
Montana	Inadmissible	Mont. Code Ann. § 61-13-106
Nebraska	Mitigation of damages up to 5%	Neb. Rev. Stat. § 60-6,273
Nevada	Inadmissible	Nev. Rev. Stat. § 484D.495(4)(b), (c)
New Hampshire	Inadmissible	N.H. Rev. Stat. § 265: 107-aIV
New Jersey	Comparative fault	<i>Waterson v. General Motors Corp.</i> , 544 A.2d 357 (N.J. 1998)
New Mexico	Inadmissible	N.M. Stat. § 66-7-373(A)
New York	Mitigation of damages	N.Y. Veh. & Traf. Law § 1229-c(8)
North Carolina	Inadmissible	N.C. Gen. Stat. § 20-135.2A(d)
North Dakota	Comparative fault	<i>Day v. Gen. Motors Corp.</i> , 345 N.W.2d 349, 357 (N.D. 1984)



Ohio	Mitigation of damages for noneconomic loss and product liability	Ohio Rev. Code Ann. § 4513.263(F)
Oklahoma	Admissible	Okla. Stat. Ann. tit. 47, § 12-420
Oregon	Mitigation of damages up to 5%	Or. Rev. Stat. Ann. § 31.760
Pennsylvania	Inadmissible	75 Pa. Cons. Stat. § 4581(e)
Rhode Island	Inadmissible	R.I. Gen. Laws § 31-22-22 (h)
South Carolina	Inadmissible	S.C. Code Ann. § 56-5-6540(c)
South Dakota	Inadmissible	S.D. Codified Laws § 32-38-4
Tennessee	Product liability only	Tenn. Code Ann. § 55-9-604
Texas	Comparative Fault	Nabors Well Services, Ltd. V. Romero, 456 S.W.3d (Tex. 2015)
Utah	Inadmissible	Utah Code Ann. § 41-6a-1806
Vermont	Inadmissible	Vt. Stat. Ann. tit. 23, § 1259(c), (d)
Virginia	Inadmissible	Va. Code Ann. § 46.2-1092, and 1094(D)
Washington	Inadmissible	Wash. Rev. Code Ann. § 46.61.688(6)
West Virginia	Admissible through <i>en banc</i> process	W. Va. Code Ann. § 17C-15-49(d)
Wisconsin	Mitigation of damages up to 15%	Wis. Stat. Ann. § 347.48(2m)(g) (West 2005 & Supp. 2010)
Wyoming	Inadmissible	Wyo. Stat. Ann. § 31-5-1402(f)(2011)



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