

## HOUSE BILL NO. 648

INTRODUCED BY J. WARD

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING EVIDENCE OF FAILURE TO USE A SEATBELT TO BE ADMISSIBLE TO PROVE NEGLIGENCE IN A CIVIL ACTION FOR PERSONAL INJURY OR DEATH OF AN OCCUPANT OF A MOTOR VEHICLE FOR THE PURPOSE OF REDUCING OTHERWISE RECOVERABLE DAMAGES; REPEALING SECTION 61-13-106, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Evidence of failure to use seatbelt -- admissibility.** (1) Except as provided in subsection (2), an occupant of a motor vehicle who fails to use a properly adjusted and fastened seatbelt in a moving motor vehicle is negligent. Evidence of this negligence is admissible in a civil action for personal injury or death of an occupant to whom this section applies.

(2) Subsection (1) does not apply to:

- (a) a passenger who is an incapacitated person, as defined in 72-5-101;
- (b) a passenger who is under 18 years of age who has not been issued a driver's license; or
- (c) an occupant of a vehicle as described in 61-13-103(2).

**NEW SECTION. Section 2. Repealer.** Section 61-13-106, MCA, is repealed.

**NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 61, chapter 13, part 1, and the provisions of Title 61, chapter 13, part 1, apply to [section 1].

**NEW SECTION. Section 4. Applicability.** [This act] applies to injuries or deaths occurring on or after October 1, 2007.

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