



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1857/1

ZDW:amn

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.

AN ACT *to amend* 347.48 (2m) (g) of the statutes; **relating to:** recovery of 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:

SENATE BILL 77**SECTION 1**

SECTION 1. 347.48 (2m) (g) of the statutes is amended to read:

347.48 **(2m)** (g) Evidence of compliance or failure to comply with par. (b), (c), or (d) is admissible in any civil action for personal injuries or property damage resulting from the use or operation of a motor vehicle. Notwithstanding s. 895.045, with respect to injuries or damages determined to have been caused by a failure to comply with par. (b), (c), or (d), such a failure ~~shall not~~ may reduce the recovery for those injuries or damages ~~by more than 15 percent~~. This paragraph does not affect the determination of causal negligence in the action.

(END)