

HOUSE No. 2281

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel B. Winslow

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a seat belt defense.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|-----------------------|
| <i>Daniel B. Winslow</i> | <i>9th Norfolk</i> |
| <i>James J. Dwyer</i> | <i>30th Middlesex</i> |
| <i>Paul K. Frost</i> | <i>7th Worcester</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> |
| <i>Sheila C. Harrington</i> | <i>1st Middlesex</i> |
| <i>Robert L. Hedlund</i> | |
| <i>Randy Hunt</i> | <i>5th Barnstable</i> |
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i> |

HOUSE No. 2281

By Mr. Winslow of Norfolk, a petition (accompanied by bill, House, No. 2281) of Daniel B. Winslow and others establishing a seat belt defense in civil actions for certain personal injuries incurred in a motor vehicle accident. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing a seat belt defense.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13A of chapter 90 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting at the end thereof the following new subsection:

3 (g) Evidence of failure to comply with this section by any person 18 years of age or over
4 shall be admissible in any civil action by that person for personal injuries resulting from the use
5 or operation of a motor vehicle if the defense establishes by a preponderance of the evidence that
6 the injuries suffered were worse than would have been suffered with the use of a safety belt as
7 required by this section.