

# Senate File 166 - Introduced

SENATE FILE \_\_\_\_\_  
BY McKIBBEN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act eliminating the limitation on the reduction in damages  
2 awarded to plaintiffs who fail to wear a motor vehicle safety  
3 belt or safety harness.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2312SS 82  
6 rh/es/88

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1 1 Section 1. Section 321.445, subsection 4, paragraph b,  
1 2 subparagraph (2), Code 2007, is amended to read as follows:  
1 3 (2) If the evidence supports such a finding, the trier of  
1 4 fact may find that the plaintiff's failure to wear a safety  
1 5 belt or safety harness in violation of this section  
1 6 contributed to the plaintiff's claimed injury or injuries, and  
1 7 may reduce the amount of plaintiff's recovery by an amount ~~not~~  
~~1 8 to exceed five percent of the damages awarded proportionate to~~  
~~1 9 the degree to which the failure to wear a safety belt or~~  
~~1 10 safety harness contributed to the plaintiff's claimed injury~~  
~~1 11 or injuries, after any reductions for comparative fault.~~

1 12 EXPLANATION

1 13 This bill eliminates the limitation on the reduction in  
1 14 damages awarded to plaintiffs who fail to wear a motor vehicle  
1 15 safety belt or safety harness. Currently, Code section  
1 16 321.445 provides that the trier of fact may reduce the amount  
1 17 of a plaintiff's recovery by an amount not to exceed 5 percent  
1 18 of the damages awarded after any reductions for comparative  
1 19 fault if the evidence supports a finding that the plaintiff's  
1 20 failure to wear the belt or harness, in violation of that Code  
1 21 section, contributed to the plaintiff's claimed injury or  
1 22 injuries.  
1 23 LSB 2312SS 82  
1 24 rh:rj/es/88