

Senate File 2135 - Introduced

SENATE FILE 2135
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3044)

A BILL FOR

1 An Act relating to the failure to wear a motor vehicle safety
2 belt or safety harness.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.445, subsection 4, paragraph b,
2 subparagraph (2), Code 2018, is amended to read as follows:

3 (2) If the evidence supports such a finding, the trier of
4 fact may find that the plaintiff's failure to wear a safety
5 belt or safety harness in violation of **this section** contributed
6 to the plaintiff's claimed injury or injuries, and may reduce
7 the amount of plaintiff's recovery by an amount not to exceed
8 five twenty-five percent of the damages awarded after any
9 reductions for comparative fault.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

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Under current law, evidence of failure to wear a motor
vehicle safety belt or safety harness as required by Code
section 321.445(2) may be used to mitigate damages in a civil
case upon a showing of substantial evidence that the failure
to wear a safety belt or safety harness contributed to the
injuries claimed. In addition, current law provides that the
maximum amount which damages may be reduced for failure to wear
a motor vehicle safety belt or safety harness is 5 percent of
the damages awarded. This bill increases the amount damages
may be reduced to 25 percent of the damages awarded.