



## 2023 ASSEMBLY BILL 81

February 28, 2023 - Introduced by Representatives SPIROS, GREEN and NEDWESKI, cosponsored by Senators JAMES, MARKLEIN and FEYEN. Referred to Committee on Judiciary.

1     **AN ACT** *to amend* 347.48 (2m) (g) of the statutes; **relating to:** recovery of  
2     damages for failure to wear a safety belt.

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### *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.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3     **SECTION 1.** 347.48 (2m) (g) of the statutes is amended to read:  
4     347.48 **(2m)** (g) Evidence of compliance or failure to comply with par. (b), (c),  
5     or (d) is admissible in any civil action for personal injuries or property damage

**ASSEMBLY BILL 81****SECTION 1**

1 resulting from the use or operation of a motor vehicle. Notwithstanding s. 895.045,  
2 with respect to injuries or damages determined to have been caused by a failure to  
3 comply with par. (b), (c), or (d), such a failure ~~shall not~~ may reduce the recovery for  
4 those injuries or damages ~~by more than 15 percent~~. This paragraph does not affect  
5 the determination of causal negligence in the action.

6 (END)