



1995 SENATE BILL 458

December 13, 1995 - Introduced by Senators ROSENZWEIG and HUELSMAN, cosponsored by Representatives SCHNEIDERS and URBAN. Referred to Committee on Insurance.

1 **AN ACT to amend** 347.48 (2m) (g) of the statutes; **relating to:** the maximum
2 damage recovery reduction for failure to comply with mandatory safety belt use
3 laws.

Analysis by the Legislative Reference Bureau

Under current law, most motor vehicle operators and passengers are required to use safety belts, and the recovery of damages resulting from the operation of a motor vehicle may be reduced by not more than 15% for personal injuries or property damage caused by failure to comply with these mandatory safety belt use provisions.

This bill increases the maximum recovery reduction from 15% to 80%.

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

4 **SECTION 1.** 347.48 (2m) (g) of the statutes is amended to read:
5 347.48 **(2m)** (g) Evidence of compliance or failure to comply with par. (b), (c) or
6 (d) is admissible in any civil action for personal injuries or property damage resulting
7 from the use or operation of a motor vehicle. Notwithstanding s. 895.045, with
8 respect to injuries or damages determined to have been caused by a failure to comply
9 with par. (b), (c) or (d), such a failure shall not reduce the recovery for those injuries
10 or damages by more than ~~15%~~ 80%. This paragraph does not affect the
11 determination of causal negligence in the action.

