

# Seat Belts & Police Testimony



QUENTIN BROGDON

Crain Brogdon, LLP

Dallas, Texas

214-598-1009 Cell

[Qbrogdon@crainbrogdon.com](mailto:Qbrogdon@crainbrogdon.com)



1

## Seat Belts



2

*Kerby*  
v.  
*Abilene Christian College*  
(Texas 1973)

3

*Carnation*  
v.  
*Wong*  
(Texas 1974)

4

## Texas Legislature in 1985

- Crime for 15 years + to ride unbelted in front seat; drivers must belt children under 15 years in front seat.
- "Use or non-use of a seatbelt is not admissible evidence in a civil trial."

5

## Texas Legislature in 2003 – HB 4

- Repealed prohibition of admission of seat belt evidence in civil cases.
- Revived dormant, but never overruled *Kerby & Carnation* cases.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Seatbelts and Police Testimony

Also available as part of the eCourse

[Answer Bar: Taking Your Car Crash Case to Trial](#)

First appeared as part of the conference materials for the  
2023 The Car Crash Seminar session

"Seatbelts and Police Opinions: Two Outcome Determinative Issues"