

Seat Belts & Police Testimony: Outcome Determinative Issues

QUENTIN BROGDON

Crain Brogdon Rogers, LLP

Dallas, Texas

214-598-1009 Cell
Qbrogdon@cbrlawfirm.com

1

Seat Belts



2

Kerby v. Abilene Christian College (TX '73)

- Distinguished negligence causing crash vs. negligence causing damages.
- Held: Negligence in not wearing seat belt inadmissible because did not cause crash.

3

Carnation v. Wong (TX '74)

- Difficulty of admitting seat belt evidence under contributory negligence, mitigation of damages, and apportionment of damages theories.
- Held: plaintiffs should not have damages reduced because of failure to wear seat belts.

4

Texas Legislature in 1985

- Crime for anyone fifteen years or older to ride unbelted in front seat, and drivers responsible for belting children under fifteen years old riding 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- Repealed prohibition of admission of seat belt evidence in civil cases.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 Opinions: Two Outcome-Determinative Issues

First appeared as part of the conference materials for the
2021 The Car Crash Seminar session

"Seatbelts and Police Opinions: Two Outcome-Determinative Issues"