

# Seat Belts & Police Testimony



QUENTIN BROGDON

Crain Brogdon, LLP

Dallas, Texas

214-598-1009 Cell

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



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# Seat Belts



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*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."

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## 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- Repealed prohibition of admission of seat belt evidence in civil cases.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.

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"Seatbelts and Police Opinions: Two Outcome Determinative Issues"