

SESSION OF 2018

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 296**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 296 would provide that evidence of failure of any person to use a safety belt may be considered by the trier of fact in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages. The law now states such evidence shall not be admissible.

**Background**

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas Chamber of Commerce. In the Senate Committee hearing, representatives of General Motors, the Kansas Association of Defense Counsel, the Kansas Chamber of Commerce, and State Farm Insurance Companies appeared in support of the bill. Representatives of the American Insurance Association and Kansas Association of Property and Casualty Insurance Companies offered written-only proponent testimony. Representatives of the Kansas Trial Lawyers Association appeared as opponents. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts and the number of appeals, as well as increase the length of trials, which would increase the time spent by judicial and nonjudicial personnel to process, research, and hear cases. However, it is not possible to

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

predict the number of additional court cases that would arise or how time consuming they would be; thus, a fiscal effect cannot be determined. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2019 Governor's Budget Report*.