



Issue: Seat Belt Gag Rule

Lawsuit Abuse Principle: Remove the prohibition from sharing if a person was using a seat belt.

The Legislature passed the Seatbelt Gag Rule in 1963, prohibiting evidence of whether a motorist was wearing their seatbelt during an accident from being admitted in a court of law. Why?

First, seatbelts were not yet mandatory in motor vehicles. There was no broad consensus that wearing them made people safer.

Second, Minnesota used the principle of contributory negligence in evaluating a plaintiff's claim. If a jury found a plaintiff even 1% at fault for their accident, they were completely barred from recovering damages. The Gag Rule offered plaintiffs some procedural protection by removing the question of seatbelt use entirely.

Almost fifty years later, things have changed. Seatbelts are mandatory in motor vehicles. Statistics clearly demonstrate that seatbelts promote safety and save lives. Furthermore, Minnesota no longer follows the rule of contributory negligence. We replaced it with comparative fault, which allows a plaintiff's recovery to be reduced proportionally to their fault, rather than barring them from recovery altogether. Finally, we've made failure to wear your seatbelt a primary traffic offense--why have one law on the books criminalizing non-use of seatbelts, and another that removes the mere fact of seatbelt use from the legal process altogether?

Two tenants of our civil justice system are (1) people should pay for the harm they cause, and (2) people should do what they reasonably can to mitigate any harm they may suffer.

If one driver causes an accident, that driver (and their carrier if they are hauling a load for a motor carrier) should be liable to the victim for causing the accident. They should be liable for the medical expenses, the lost wages, and the pain and suffering. The victim should try to follow the doctor's guidance to get better, and the victim should try to get back to work when they are able. This balance between making sure people take responsibility for the damages they cause and making sure victims do not quit on society because of the accident, incentivizes people to not cause harm and it incentivizes people to mitigate harm that occurs.

Simply put, the original justifications for passing the "Seatbelt Gag Rule" no longer apply. If we are okay incentivizing victims to mitigate losses after they occur, why are we not okay with incentivizing the very simple act of following the law and wearing a seat belt?

Legislative Action: Eliminate subd.4 from Minn. Stat. 169.685.