

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1237**

Citations Affected: IC 9-19-10.

Synopsis: Motor vehicle restraint systems. Proposed conference committee report to EHB 1237. Requires occupants of motor vehicles to wear safety belts, with certain exceptions. Repeals conflicting laws concerning stopping, inspecting, or detaining vehicles to determine compliance with safety belt laws. Reinserts at a different location the statute concerning primary enforcement of safety belt laws. Provides that a law enforcement agency may not use a safety belt checkpoint to detect and issue a citation for failure to wear a safety belt. Makes conforming changes. **(This conference committee report: (1) repeals conflicting laws concerning stopping, inspecting, or detaining vehicles to determine compliance with safety belt laws; (2) reinserts at a different location the statute concerning primary enforcement of safety belt laws; (3) provides that a law enforcement agency may not use a safety belt checkpoint to detect and issue a citation for failure to wear a safety belt; and (4) makes conforming changes.)**

Effective: July 1, 2007.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1237 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 3, after line 37, begin a new paragraph and insert:
2 "SECTION 8. IC 9-19-10-3.1 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2007]: **Sec. 3.1. (a) Except as provided in**
5 **subsection (b), a vehicle may be stopped to determine compliance**
6 **with this chapter. However, a vehicle, the contents of a vehicle, the**
7 **driver of a vehicle, or a passenger in a vehicle may not be**
8 **inspected, searched, or detained solely because of a violation of this**
9 **chapter.**
10 **(b) A law enforcement agency may not use a safety belt**
11 **checkpoint to detect and issue a citation for a person's failure to**
12 **comply with this chapter.**
13 SECTION 9. IC 9-19-10-7 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Failure to comply
15 with section 1, 2, ~~3~~, **3.1(a)**, or 4 of this chapter does not constitute fault
16 under IC 34-51-2 and does not limit the liability of an insurer.
17 (b) Except as provided in subsection (c), evidence of the failure to
18 comply with section 1, 2, ~~3~~, **3.1(a)**, or 4 of this chapter may not be
19 admitted in a civil action to mitigate damages.
20 (c) Evidence of a failure to comply with this chapter may be
21 admitted in a civil action as to mitigation of damages in a product
22 liability action involving a motor vehicle restraint or supplemental

1 restraint system. The defendant in such an action has the burden of
2 proving noncompliance with this chapter and that compliance with this
3 chapter would have reduced injuries, and the extent of the reduction.

4 SECTION 10. IC 9-19-10-3 IS REPEALED [EFFECTIVE JULY 1,
5 2007].".

6 Renumber all SECTIONS consecutively.

(Reference is to EHB 1237 as printed March 13, 2007.)

Conference Committee Report
on
Engrossed House Bill 1237

Signed by:

Representative Welch
Chairperson

Senator Wyss

Representative Lawson L

Senator Rogers

House Conferees

Senate Conferees