The Seatbelt Defense

July 14, 2021

For many people the first thing they do when they get into a car is buckle-up. After all, in 49 states, the lone exception being New Hampshire, it is against the law to not do so. But, what is the impact of the defense of a motor vehicle accident when a plaintiff was not wearing a seatbelt? The answer, of course, varies state by state. For instance, Massachusetts, Rhode Island, Connecticut, and New Hampshire each have laws in place prohibiting the introduction of evidence demonstrating that the plaintiff was not wearing a seatbelt when an accident occurred. Because such evidence cannot be introduced, there will be no reduction in damages for injuries resulting from, or aggravated by, the plaintiff's failure to buckle up. As a practical matter, a plaintiff could have his or her injuries aggravated by breaking the law (i.e. not wearing a seatbelt), but evidence showing that he or she were not in compliance with traffic safety laws is limited by the rules of evidence.

Even when a state permits the use of the “seatbelt defense,” it is typically an uphill battle. Generally, the defendant needs to satisfy four elements to establish a successful seatbelt defense. First, there must be a factual assertion of seatbelt non-use. Second, the defense must prove that a seatbelt was available for use. Third, that seatbelt must work. Finally, defendants have to show a causal connection between the plaintiff's nonuse of a working, available seatbelt and the injuries the plaintiff suffered. If the defense can prove all those elements, and the defense is not prohibited by statute or common law, then damages can be reduced for any aggravated injuries due to their failure to wear a seatbelt.

While a majority of states refuse to admit the evidence of non-use of seatbelt, there is momentum in some state legislatures to permit such evidence. Louisiana recently passed the Omnibus Tort Reform Bill, which will now permit the admission of evidence that the plaintiff was not wearing a seatbelt. Accordingly, defendants have a better chance of reducing overall damages given the plaintiff's failure to avoid aggravating his own harm. This momentum, however, is not likely to reach New England. Accordingly, the seatbelt defense remains unavailable, and defendants in motor vehicle accidents will need to “take their plaintiffs as they find them.”

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