
Sneed Law Firm, LLC

Memorandum

To: The Honorable Rick Wilborn, Chair
Senate Judiciary Committee

From: William W. Sneed, Retained Counsel
The State Farm Insurance Companies

Date: February 8, 2017

RE: S.B. 296

Mr. Chairman, Members of the Committee: My name is Bill Sneed and I represent The State Farm Insurance Companies ("State Farm"). State Farm is the largest insurer of homes and automobiles in Kansas. State Farm insures one out of every three cars and one out of every four homes in the United States. We appear today in support of S.B. 296.

State Farm supports effective seat belt laws, including those that allow the introduction of evidence regarding use of seat belts to show negligence or failure to mitigate damages in motor vehicle litigation. According to the National Highway Traffic Safety Administration, the seat belt is "the most effective safety feature ever invented." However, the seat belt is only effective if it is used. While the national estimated seat belt use was 88.5% in 2016, 48% of the 35,000 persons killed in motor vehicle crashes were not wearing seat belts. Moreover, if all occupants over the age of four used seat belts, an additional 2,800 deaths and thousands of serious injuries could be prevented each year.

In the context of an automobile accident, when a driver is injured and there is civil litigation, S.B. 296 would allow evidence of whether a plaintiff used a seat belt to be considered when determining the possible comparative negligence or mitigation of damages in the case.

As wearing a seat belt is the law in Kansas and a highly effective tool that prevents death and minimizes injuries, it is only equitable that evidence of whether a plaintiff chose to wear a seat belt in an automobile accident be admissible and under consideration in determining liability and damages. Unfortunately, seat belts will not prevent all injuries or deaths in automobile accidents. However,

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when a driver chooses to not wear a seat belt—taking a risk and breaking the law—and an accident occurs, that choice should be a factor under consideration when determining any resulting damage.

Based on the foregoing, we respectfully request that when the Committee acts on S.B. 296, it pass the bill out favorably.

I am available for questions at your convenience.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "William W. Sneed". The signature is fluid and cursive, with the first name "William" and last name "Sneed" clearly distinguishable.

William W. Sneed

WWS:kjb