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## PRACTICE AREAS

Workers Compensation

Personal Injury

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# SCOTUS to Consider Seatbelt Lawsuits Against Auto Makers

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In late May, the Supreme Court of the United States agreed to consider the issue of whether certain products liability lawsuits against car manufacturers can proceed.

At issue in the case is whether federal regulations that set forth vehicle safety standards may be used as the basis for **products liability lawsuits** stemming from claims that lap-only seat belts contributed to the plaintiffs injuries.

The case being appealed involved a collision with a 1993 Mazda minivan in which the plaintiff, who was riding in the minivan wearing only a lap belt, was killed.

The lower courts in California both concluded that the lawsuit could not go forward due to the operation of a Federal Motor Vehicle Safety Standard promulgated under the National Traffic and Motor Vehicle Safety Act. Specifically, the courts concluded that the lawsuit could not proceed because it was preempted by the regulation that authorized automakers to install lap-only seat belts. The regulation in question



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was later changed and now provides that most passenger vehicles built after Sept. 1, 2007 must include shoulder belts and lap belts in all forward-facing seats in the rear of the vehicle.

The specific question presented to the Supreme Court is:

Whether, when Congress has provided that compliance with a federal motor vehicle safety standard “does not exempt a person from liability at common law,” 49 U.S.C. § 30103(e), a federal minimum safety standard allowing vehicle manufacturers to install either lap-only or lap/shoulder seatbelts in certain seating positions preempts a state common-law claim alleging that the manufacturer should have installed a lap/shoulder belt in one of those seating positions.

The court will hear oral arguments in this case during the 2010-2011 term. Briefs and additional information about this case can be found [here](#) at the ScotusWiki.

Howard Ankin of Ankin Law Office LLC ([www.ankinlaw.com](http://www.ankinlaw.com)) handles [workers' compensation](#) and [personal injury cases](#). Mr. Ankin can be reached at (312) 346-8780 and [howard@ankinlaw.com](mailto:howard@ankinlaw.com).