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**THE MINNESOTA COURT OF APPEALS CLARIFIES USE OF CAR SEAT EVIDENCE IN AUTOMOBILE LITIGATION**

Generally, Minnesota Statute § 169.685 prohibits the introduction at trial of evidence regarding the use or installation of, or failure to use or install, car seats. However, the Section does permit the introduction of such evidence in actions arising out of incidents involving *defectively designed, manufactured, installed, or operating* car seats. In a recent decision, Harrison v. Harrison, (File C0-05-1038), the Minnesota Court of Appeals clarified the scope of the statutory language, "actions for damages *arising out of* an incident that involves a *defectively designed, manufactured, installed or operating*...car seat." The court held that this language denoted more than just product liability actions.

In Harrison, three year-old Ted Harrison (Teddy) was a passenger in a vehicle driven by his mother, Amy Harrison. Teddy was seated in a car seat when another vehicle collided with the Harrison vehicle. The collision caused Teddy to be released from his car seat and injured. A claim was brought on his behalf against Teddy's parents alleging negligent maintenance and installation of the car seat. The parties stipulated the parents were negligent in the maintenance and/or installation of Teddy's car seat. At the District Court Teddy's parents argued they were entitled to summary judgement because Minnesota Statute § 169.685 dictated evidence of the failed installation of a car seat was inadmissable. Teddy, in a separate motion for summary judgment argued that the statute's exception for actions *arising out of* an incident that involves a *defectively designed, manufactured, installed or operating* car seat applied, making the evidence admissible. Teddy's parents countered, arguing the exception was only meant to apply to product liability actions. The District Court disagreed and granted Teddy's motion for summary judgment.

On appeal, the Minnesota Court of Appeals considered the scope of the language "damages *arising out of an incident* that involved a *defectively* designed, manufactured, *installed*, or operating...car seat." The Court analyzed the meaning of the words individually. The definition of "incident" is, "a definite and separate occurrence; an event." The definition of "install" is, "[t]o connect or set in position and prepare for use." The definition of "defective" is, "[having] a defect; faulty." After applying these basic definitions, the Court of Appeals determined this language did not refer only to product liability actions. It also referred to an action for damages arising out of an occurrence or event that involves a car seat found to be defective or faulty because of the way it was connected, set in position, and prepared for use, regardless of Plaintiff's theory of liability. The Court of Appeals held the exception applied in Teddy's case and the evidence was admissible, affirming the decision of the District Court.

If you have any questions about Minnesota Statute § 169.685, this decision, or any other Minnesota automobile litigation issues, please contact any of the members of Johnson & Condon's Motor Vehicle Practice Group at (952) 831-6544, or through our website, www.johnson-condon.com. A copy of this letter is also available on the News and Resources page at http://www.johnson-condon.com/news-resources.htm.

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