



Federal Motor Vehicle Safety Standard Does Not Preempt State Product Liability Claim

By: Jack A. Janov

On February 23, 2011, the U.S. Supreme Court held in *Williamson v. Mazda Motor of America, Inc.*¹ that a 1989 Federal Motor Vehicle Safety Standard 208 ("FMVSS 208") that gave automobile manufacturers an option to install a "lap belt" or a "lap-and-shoulder belt" on rear aisle or rear middle seats, does not preempt a state tort claim that alleges all seats should have lap-and-shoulder belts. The Court explained that preemption did not apply because this 1989 FMVSS 208 seat belt design choice was not based on a significant federal regulatory objective.

The Williamson State Court Product Liability Lawsuit

Three members of the Williamson family were involved in a head-on collision while riding in their 1993 Mazda Minivan. As alleged, decedent Thanh Williamson was sitting in a rear seat wearing the lap belt installed by Mazda in accord with FMVSS 208. Delbert and Alexa Williamson, who were wearing lap-and-shoulder belts, survived the accident. The Williamsons alleged Mazda should have installed lap-and-shoulder belts on all rear seats, and that decedent died because her seating position was only provided a lap belt. The trial court dismissed this product liability claim as a matter of law and the California Court of Appeal affirmed. These California courts applied *Geier v. American Honda Motor Co.*², in which the U.S. Supreme Court held that the 1984 FMVSS 208, which gave manufacturers a choice of a variety of several different passive automobile restraint systems, preempted state tort claims that allege one passive restraint system was safer than any of the others approved by FMVSS 208.

Justice Breyer's Majority Opinion

In *Williamson*, Justice Breyer endeavors to harmonize his majority opinion with his majority opinion in *Geier*, which on very similar facts held the opposite – that a state tort claim was preempted by a design choice in FMVSS 208. Justice Breyer explains that the FMVSS airbag design choice presented in *Geier* involved a "significant regulatory objective" – it deliberately sought and provided a variety and mix of several different passive automobile restraint systems. In *Williamson*, although the Department of Transportation ("DOT") preferred lap-and-shoulder belts, DOT did not make them mandatory due to cost efficiency reasons and a concern for passenger ingress-egress around the shoulder mounts. Consequently, the Court in *Williamson* held that FMVSS regulations that merely provide a design choice without a "significant federal regulatory objective" do not preempt state tort claims that allege one of the choices is safer than the other.

In *Geier*, the Court found significant legislative history indicating that the DOT wanted to gradually phase-in passive restraint regulations to provide manufacturers sufficient time to improve airbag technology and develop other better passive restraint systems. The agency also rejected an "all airbag"



system, due to an anticipated public backlash and the potential risk of injury to children and other out-of-position occupants.

The Federal Motor Vehicle Safety Standards

The *Williamson* court noted that the applicable section of the 1989 FMVSS 208 required all automobile manufacturers to install lap-and-shoulder belts on vehicle passenger seats, with one exception. It also provided a choice of installing either (1) lap belts only or (2) lap-and-shoulder belts on rear center seats or seats adjacent to an aisle (as in a minivan). Automobile manufacturers were required to install lap-and-shoulder belts on outboard seats (seats adjacent to a vehicle's doors or frame), but were permitted to install either lap-and-shoulder belts or only lap belts on center rear seats.

In *Geier*, the relevant sections of the 1984 FMVSS 208 required automobile manufacturers to equip all vehicles with some sort of passive restraint system although manufacturers had a much greater choice among several different passive restraint systems, including airbags and automatic seatbelts. The *Williamson* decision notes that in *Geier* the court explained that it reached this conclusion after examining the regulation, including its history, the promulgating agency's contemporaneous explanation of its objectives, and the agency's current views of the regulation's preemptive effect.

Looking Forward

Assessing the presence (such as in *Geier*) or absence (such as in *Williamson*) of a significant federal objective supporting a automobile manufacturer's "design choice" under FMVSS may not be easy, particularly in the passive restraints or seat belt scenarios. Justice Thomas' concurring opinion in *Williamson* emphasizes the potential difficulty and subjectivity of such a task. In Justice Thomas' view, this type of "purposes and objectives" preemption analysis may turn on extra-textual "judicial suppositions" about objectives that Congress may not have clearly indicated.

Accordingly, automobile manufacturers who endeavor to comply with FMVSS automobile regulations and seek safe harbor from state design defect claims should proceed with caution.

Endnotes

- 1 Docket No. 08-1314; 562 U.S. ____ (2011).
- 2 (2000) 529 U.S. 861.

For more information on the matters discussed in *Locke Lord's QuickStudy*, please contact the author:

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