

## Boy who sued parents wins \$100,000 in car seat case

An exception to the state's "seat belt gag rule" led to an unusual legal trajectory.

By [Mary Jane Smetanka](#), Star Tribune

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A Ramsey boy who was severely brain-injured in a car accident has won \$100,000 from his parents' insurance company in a case that forced him to sue his mother and father for negligent installation and maintenance of a car seat.

The Minnesota Supreme Court ruled Thursday for Teddy Harrison, now 9 years old. The case turned on the technicalities of Minnesota's longstanding "seat belt gag rule," which bars evidence on the use of seat belts and child car seats in personal-injury lawsuits. An exception in the law allows evidence "that involves a defectively designed, manufactured, installed or operating seat belt or child passenger restraint system."

Exactly what that exception meant was unclear until now. In its first clarification, the court ruled that the exception "permits an action to be made against a child's parents for negligent installation and maintenance of a child passenger restraint system."

The ruling clears the way to a much wider interpretation of who and what is covered by the exception, said attorney Diane Bratvold. She joined the case on behalf of Teddy's parents, Amy and Ted, as a friend of the court from the Minnesota Defense Lawyers Association.

"The question ... was, did the legislation apply only to product liability suits against manufacturers? Or does it apply every time there's a question involved in use or installation of car seats or seat belts?" she said. "This makes the exception much broader than the average attorney thought it was."

The gag rule became law in 1963, when seat belts were still new and legislators wanted to encourage carmakers to install them by protecting them against liability claims for defects. The exception was added later.

While the Harrison case appears to pit child against parents, Teddy's attorney, Bob King, said the boy and his grandmother sued his parents only because state law requires that the policy holder as well as the insurance company be sued. In fact, King said, the Harrisons' insurer, Progressive, had agreed to pay the Harrisons but couldn't until questions about the state law were clarified.

Teddy was 3 when the family car was sideswiped by an uninsured driver in April 2001. The Harrisons' car rolled repeatedly. Teddy had been belted into his car seat but was released from the seat and ejected through the rear window.

A State Patrol investigation found that a quarter and dirt and debris were lodged in the latch of the car seat's belt. So, when the latch was closed, it made a clicking sound as though it were locked, but it wasn't. The seat belt anchoring the car seat also gave way in

the accident.

Teddy's brain was badly injured. He cannot stand, walk or feed himself and has difficulty speaking. He attends school in a motorized wheelchair that he controls with his head, and he requires 24-hour care. The family's case against the car seat manufacturer, Century Products Co., was settled earlier for an undisclosed amount.

King said the Harrisons, who did not want to be contacted by reporters, are relieved the case is over and "pleased ... that there are additional funds to care for Teddy. He's a child that always has a smile on his face despite his drastic limitations.... They have turned their lives over to help this child."

The Supreme Court ruling upholds earlier district and appeals court findings. Supreme Court Justice Paul Anderson dissented in the latest ruling, saying he favored a narrower interpretation of the law to cover "a more limited class of potential commercial defendants," not parents who install car seats.

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