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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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WILLIAMSON ET AL. *v*. MAZDA MOTOR OF AMERICA, INC., ET AL.

CERTIORARI TO THE COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION THREE

No. 08–1314. Argued November 3, 2010—Decided February 23, 2011

The 1989 version of Federal Motor Vehicle Safety Standard 208 (FMVSS 208) requires, as relevant here, auto manufacturers to install seatbelts on the rear seats of passenger vehicles. They must install lap-and-shoulder belts on seats next to a vehicle's doors or frames, but may install either those belts or simple lap belts on rear inner seats, *e.g.,* those next to a minivan's aisle.

The Williamson family and Thanh Williamson's estate brought this California tort suit, claiming that Thanh died in an accident because the rear aisle seat of the Mazda minivan in which she was riding had a lap belt instead of lap-and-shoulder belts. The state trial court dismissed their claim on the pleadings. The State Court of Appeal affirmed, relying on *Geier* v. *American Honda Motor Co.*, 529 U. S. 861, in which this Court found that an earlier (1984) version of FMVSS 208—which required installation of passive restraint devices—preempted a state tort suit against an auto manufacturer on a failure to install airbags.

Held: FMVSS 208 does not pre-empt state tort suits claiming that manufacturers should have installed lap-and-shoulder belts, instead of lap belts, on rear inner seats. Pp. 3–12.

(a) Because this case involves (1) the same statute as *Geier,* (2) a later version of the same regulation, and (3) a somewhat similar claim that a state tort action conflicts with the federal regulation, the answers to two of the subsidiary questions posed in *Geier* apply directly here. Thus, the statute's express pre-emption clause cannot pre-empt the common-law tort action here; but neither can its saving clause foreclose or limit the operation of ordinary conflict pre-emption principles. The Court consequently turns to *Geier*'s third subsidiary

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question, whether, in fact, the state tort action conflicts with the federal regulation. Pp. 3–5.

(b) Under ordinary conflict pre-emption principles a state law that "stands as an obstacle to the accomplishment" of a federal law is pre-empted. *Hines* v. *Davidowitz*, 312 U. S. 52, 67. In *Geier,* the state law stood as an obstacle to the accomplishment of a significant federal regulatory objective, namely, giving manufacturers a choice among different kinds of passive restraint systems. This conclusion was supported by the regulation's history, the agency's contemporaneous explanation, and the Government's current understanding of the regulation. The history showed that the Department of Transportation (DOT) had long thought it important to leave manufacturers with a choice of systems. DOT's contemporaneous explanation of the regulation made clear that manufacturer choice was an important means for achieving DOT's basic objectives. It phased in passive restraint requirements to give manufacturers time to improve airbag technology and develop better systems; it worried that requiring airbags would cause a public backlash; and it was concerned about airbag safety and cost. Finally, the Government's current understanding was that a tort suit insisting upon airbag use would " ' "stan[d] as an obstacle to the accomplishment and execution of these objectives." ' " 529 U. S., at 883. Pp. 5–8.

(c) Like the regulation in *Geier*, the instant regulation leaves the manufacturer with a choice, and the tort suit here would restrict that choice. But in contrast to *Geier,* the choice here is not a significant regulatory objective. The regulation's history resembles the history of airbags to some degree. DOT rejected a regulation requiring lap-and-shoulder belts in rear seats in 1984. But by 1989, changed circumstances led DOT to require manufacturers to install lap-and-shoulder belts for rear outer seats but to retain a manufacturer choice for rear inner seats. Its reasons for doing so differed considerably from its 1984 reasons for permitting a choice of passive restraint. It was not concerned about consumer acceptance; it thought that lap-and-shoulder belts would increase safety and did not pose additional safety risks; and it was not seeking to use the regulation to spur development of alternative safety devices. Instead, DOT thought that the requirement would not be cost effective. That fact alone cannot show that DOT sought to forbid common-law tort suits. For one thing, DOT did not believe that costs would remain frozen. For another, many federal safety regulations embody a cost-effectiveness judgment. To infer pre-emptive intent from the mere existence of such a cost-effectiveness judgment would eliminate the possibility that the agency seeks only to set forth a minimum standard. Finally, the Solicitor General represents that DOT's regulation

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does not pre-empt this tort suit. As in *Geier,* "the agency's own views should make a difference," 529 U. S., at 883, and DOT has not expressed inconsistent views on this subject. Pp. 8–12.

167 Cal. App. 4th 905, 84 Cal. Rptr. 3d 545, reversed.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, GINSBURG, ALITO, and SOTOMAYOR, JJ., joined. SOTOMAYOR, J., filed a concurring opinion. THOMAS, J., filed an opinion concurring in the judgment. KAGAN, J., took no part in the consideration or decision of the case.