

2019 Regular Session

HOUSE BILL NO. 51

BY REPRESENTATIVE HUVAL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EVIDENCE: Provides relative to the admissibility of evidence for failure to wear a safety belt

1 AN ACT

2 To amend and reenact R.S. 32:295.1(E), relative to the requirement to wear safety belts
3 while operating a motor vehicle; to provide for the introduction of evidence of the
4 failure to wear a safety belt under certain circumstances; to provide for exceptions;
5 to provide that the failure to use a safety belt shall result in a reduction of damages;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:295.1(E) is hereby amended and reenacted to read as follows:

9 §295.1. Safety belt use; tags indicating exemption

10 * * *

11 E.(1) In any action to recover damages arising out of the ownership,
12 common maintenance, or operation of a motor vehicle, except when the operator or
13 passenger of the motor vehicle is under the age of sixteen years, failure to wear a
14 safety belt in violation of this Section ~~shall not~~ may be considered evidence of
15 comparative negligence: and damages, except when the tortfeasor is charged with a
16 violation of R.S. 14:98 or an ordinance of a political subdivision prohibiting
17 operation of any vehicle or means of transportation or conveyance while intoxicated,
18 impaired, or while under the influence of alcohol, drugs, or any controlled dangerous
19 substance. ~~Failure to wear a safety belt in violation of this Section shall not be~~
20 ~~admitted to mitigate damages.~~

