

2020 Regular Session

HOUSE BILL NO. 573

BY REPRESENTATIVE SEABAUGH

MTR VEHICLE/SEAT BELTS: Provides relative to evidence of failure to wear a safety belt

1 AN ACT

2 To amend and reenact R.S. 32:295.1(E), relative to safety belts in motor vehicles; to provide
3 for the introduction of evidence of failure to wear a safety belt; to prohibit recovery
4 for the first fifteen thousand dollars of damages; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §295.1. Safety belt use; tags indicating exemption

8 * * *

9 E.(1) In any action to recover damages arising out of the ownership,
10 common maintenance, or operation of a motor vehicle, failure to wear a safety belt
11 in violation of this Section shall ~~not~~ be considered evidence of comparative
12 negligence. Failure to wear a safety belt in violation of this Section shall ~~not~~ be
13 admitted to mitigate damages.

14 (2) There shall be no recovery for the first fifteen thousand dollars of
15 recovery of damages based on any cause or right of action arising out of a motor
16 vehicle accident, for such injury or damages occasioned by an owner or operator of
17 a motor vehicle involved in such accident who failed to wear a safety belt at the time
18 of the motor vehicle accident.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 573 Original

2020 Regular Session

Seabaugh

Abstract: Provides for the introduction of evidence showing the tortfeasor's failure to wear a safety belt and prohibits recovery of the first \$15,000 in damages for failure to wear a safety belt.

Present law prohibits the introduction of evidence of the tortfeasor's failure to wear a safety belt.

Proposed law repeals present law insofar as to allow such evidence to be introduced to mitigate damages or show comparative negligence.

Proposed law prohibits recovery of the first \$15,000 in damages for failure to wear of safety belt.

(Amends R.S. 32:295.1(E))