

SENATE COMMITTEE AMENDMENTS

2020 First Extraordinary Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 9
by Senator Hewitt

1 AMENDMENT NO. 1

2 On page 1, line 2, change "repeal" to "amend and reenact"

3 AMENDMENT NO. 2

4 On page 1, line 3, after "safety belts;" and before "and" insert "to provide for certain terms
5 and conditions;"

6 AMENDMENT NO. 3

7 On page 1, delete line 5, and insert the following:

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

23 (2) If a party proves by a preponderance of the evidence that the injured
24 person failed to wear a safety belt in violation of this Section at the time the
25 injury occurred, any damages awarded to that person shall be reduced by ten
26 percent of the total damages awarded to that person.

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