

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 9** SLS 201ES 34
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

| | |
|--|----------------------------------|
| Date: July 14, 2020 3:05 PM | Author: HEWITT |
| Dept./Agy.: Office of Risk Management | Analyst: Rebecca Robinson |
| Subject: Evidence | |

EVIDENCE EN SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to safety belts. (Item #40) (1/1/21)

Proposes to repeal R.S. 32:295.1(E) in its entirety. Proposed legislation will allow the failure to wear a seat belt to be used as evidence of comparative negligence in lawsuits concerning motor vehicle accidents; and will be allowed as evidence to mitigate damages.

Effective January 1, 2021.

| EXPENDITURES | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Ded./Other | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Annual Total | | | | | | |

| REVENUES | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

EXPENDITURE EXPLANATION

There will be an indeterminable impact to the Office of Risk Management (ORM) for potential and future claim payments related to motor vehicle accidents. ORM could not provide the number of pending cases involving seatbelts by the time of this writing. The number of claims involving seat belt usage which may be filed in the future is speculative.

The proposed legislation would allow a party involved in a motor vehicle claim/lawsuit to present evidence of the injured person's failure to wear a safety belt in a motor vehicle accident as a contributory factor in the injuries suffered by the injured person. Such evidence may reduce the damages paid to an injured person. However, the proposed legislation does not require that the failure to wear a seat belt be admitted into evidence. Judges will still have discretion over which evidence is presented to the trier of fact. Therefore, any expenditure decrease is indeterminable.

LSU's Office of Risk Management and local governmental agencies will experience the same indeterminable impact.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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