
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 382 Engrossed

2018 Regular Session

Hewitt

Present law exempts occupants of passenger cars or operators with a physically or mentally disabling condition that would prevent appropriate restraint in a safety belt, as certified by a physician, from wearing safety belts and provides for issuance of a special tag to indicate such exemption.

Present law provides penalties for improper use of a special tag or certification by a physician for issuance of a special tag as follows:

- (1) False representation by a person to obtain a special tag:
 - (a) 1st offense - \$100 not to exceed \$250, or up to 30 days imprisonment, or both.
 - (b) 2nd and subsequent offenses - \$250 not to exceed \$500, or up to 90 days imprisonment, or both.
- (2) Use of the special tag by another person not transporting the owner of the tag:
 - (a) 1st offense - \$50 not to exceed \$250, or up to 30 days imprisonment, or both.
 - (b) 2nd and subsequent offenses - \$100 not to exceed \$500, or up to 60 days imprisonment, or both.
- (3) Tag owner allowing use of the tag by another person not qualified for a tag:
 - (a) 1st offense - \$50 not to exceed \$250, or up to 30 days imprisonment, or both, and 6 months suspension of the tag.
 - (b) 2nd and subsequent offenses - \$250 not to exceed \$500, or up to 30 days imprisonment, or both, and one year suspension of the tag.
- (4) False certification by a physician of a person's impairment to obtain a tag:
\$1,000 or up to 90 days imprisonment.

Proposed law removes imprisonment penalties.

Present law requires that each driver and passenger of a passenger car, van, sports utility vehicle, or truck having a gross weight of 10,000 pounds or less, have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion.

Present law provides certain exceptions to the present law requirement of wearing a seatbelt under certain circumstances, including exceptions for cars, vans, sports utility vehicles, or pickups manufactured prior to January 1, 1981, farm vehicles, rural letter carriers, utility workers, and occupants with physical or mental disabilities.

Proposed law retains present law.

Present law provides that the failure to wear a safety belt in violation of present law shall not be considered evidence of comparative negligence and shall not be admitted to mitigate damages in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle.

Proposed law changes present law by authorizing consideration of the failure to wear a safety belt as evidence of comparative negligence and removes provision prohibiting its admission to mitigate damages.

Effective August 1, 2018.

(Amends R.S. 32:295.1(D)(6), (7), (8), and (9) and (E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Allows consideration of evidence of failure to wear a safety belt in an action to recover damages arising from a motor vehicle accident as comparative negligence and removes provision prohibiting its admission to mitigate damages.