

2018 Regular Session

HOUSE BILL NO. 792

BY REPRESENTATIVE GREGORY MILLER

CIVIL/DAMAGES: Provides for exemplary damages when injuries are caused by a driver operating a motor vehicle while using a wireless telecommunications device

1 AN ACT

2 To enact Civil Code Article 2315.10, relative to damages; to provide for an award of
3 exemplary damages under certain circumstances; to provide relative to injuries
4 caused by the use of certain telecommunication devices while driving; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 2315.10 is hereby enacted to read as follows:

8 Art. 2315.10. Additional damages; use of wireless telecommunications devices
9 while driving

10 In addition to general and special damages, exemplary damages may be
11 awarded upon proof that the injuries on which the action is based were caused by a
12 wanton or reckless disregard for the rights and safety of others by a defendant who
13 was using a wireless telecommunications device while operating a motor vehicle on
14 a public road or highway of this state in violation of R.S. 32:300.5 through 300.8,
15 and such violation was a cause in fact of the resulting injuries.

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 792 Original

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Gregory Miller

Abstract: Authorizes an award of exemplary damages in actions where the injuries were caused by a defendant who was using a wireless telecommunications device while operating a motor vehicle.

Present law (R.S. 32:300.5) prohibits a person from operating any motor vehicle upon any public road or highway of this state while using a wireless telecommunications device to write, send, or read a text-based communication or while using a wireless telecommunications device to access, read, or post to a social networking site.

Present law (R.S. 32:300.6-300.8) prohibits, with certain exceptions, the use of a wireless telecommunications device in any manner while driving by a person who holds a Class "E" learner's license or intermediate license, by a minor, and by a person operating a motor vehicle in a school zone.

Proposed law authorizes an award of exemplary damages in actions where the injuries were caused by a wanton or reckless disregard for the rights and safety of others by a defendant who was using a wireless telecommunications device while operating a motor vehicle on a public road or highway of this state in violation of present law (R.S. 32:300.5-300.8), and such violation was a cause in fact of the resulting injuries.

(Adds C.C. Art. 2315.10)