

2018 Regular Session

HOUSE BILL NO. 700

BY REPRESENTATIVE MCFARLAND

EVIDENCE: Provides relative to the admissibility of evidence of failure to wear a safety belt

1 AN ACT

2 To amend and reenact R.S. 32:295.1(E), relative to the requirement to wear safety belts
3 while operating a motor vehicle; to provide for the introduction of evidence of the
4 failure to wear a safety belt under certain circumstances; to provide for exceptions;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §295.1. Safety belt use; tags indicating exemption

9 * * *

10 E. In any action to recover damages arising out of the ownership, common
11 maintenance, or operation of a motor vehicle, except when the operator or passenger
12 of the motor vehicle is under the age of sixteen years, failure to wear a safety belt in
13 violation of this Section ~~shall not~~ may be considered evidence of comparative
14 negligence and damages; except when the tortfeasor is charged with a violation of
15 R.S. 14:98 or an ordinance of a political subdivision prohibiting operation of any
16 vehicle or means of transportation or conveyance while intoxicated, impaired, or
17 while under the influence of alcohol, drugs, or any controlled dangerous substance.
18 ~~Failure to wear a safety belt in violation of this Section shall not be admitted to~~
19 ~~mitigate damages.~~

20 * * *

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 700 Reengrossed

2018 Regular Session

McFarland

Abstract: Authorizes the introduction of evidence of failure to wear a safety belt in order to establish both comparative negligence and damages, except in certain circumstances.

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

Proposed law changes present law by authorizing the introduction of evidence of failure to wear a safety belt in order to establish both comparative negligence and damages, except when the operator or passenger is under 16 years of age, or when the tortfeasor is charged with a violation of the prohibition of operating a motor vehicle while intoxicated.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add provision to specify that evidence of failure to wear a safety belt may be admitted for purposes of establishing both comparative negligence and damages.

The House Floor Amendments to the engrossed bill:

1. Add exception for operators or passengers under 16 years of age.
2. Add exception for tortfeasors charged with operating a motor vehicle while intoxicated.