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## DIGEST

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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.