
DIGEST

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HB 51 Engrossed

2019 Regular Session

Huval

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.

Proposed law requires that the total damages awarded to the injured person be reduced by 25% if a party proves by a preponderance of the evidence that the injured person failed to wear a safety belt at the time the injury occurred.

(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 a provision requiring a 25% reduction in total damages awarded if a party proves

that the injured person failed to wear a safety belt.