DIGEST

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HB 55 Original   2020 First Extraordinary Session   Mike Johnson

Abstract: Authorizes the introduction of evidence fo failure to wear a safety belt in order to establish comparative negligence or go mitigate damages.

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 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 providing for the introduction of evidence of failure to wear a safety belt in order to establish comparative negligence, causation, and the mitigation of damages.

Proposed law provides that this Act shall supersede Section 6 of the Act that originated as Senate Bill 418 of the 2020 Regular Session of the Legislature of Louisiana that repealed R.S. 32:295.1(E).

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