

2020 First Extraordinary Session

HOUSE BILL NO. 56

BY REPRESENTATIVE ROBBY CARTER

MTR VEHICLE/SEAT BELTS: Provides for the use of evidence of the failure to wear a safety belt (Item #40)

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; and to provide for related
5 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.(1) In any action to recover damages arising out of the ownership,
11 common maintenance, or operation of a motor vehicle, failure to wear a safety belt
12 in violation of this Section ~~shall not~~ may be considered evidence of comparative
13 negligence. Failure to wear a safety belt in violation of this Section ~~shall not~~ may
14 be admitted to mitigate damages.

15 (2) The burden of proof for action for introducing evidence of failure to wear
16 a safety belt in violation of this Section shall be by clear and convincing evidence.

17 * * *

18 Section 2. This provisions of this Act that amend and reenact R.S. 32:295.1(E) shall
19 supersede the provisions of Section 6 of the Act that originated as Senate Bill 418 of the
20 2020 Regular Session of the Legislature of Louisiana that repealed R.S. 32:295.1(E).

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 56 Original

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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 or to mitigate damages.

Proposed law provides that the burden of proof for introducing evidence of failure to wear a safety belt shall be clear and convincing evidence.

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))