

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 9** SLS 201ES 34

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: June 8, 2020 5:01 PM	Author: HEWITT
Dept./Agy.: Office of Risk Management	Analyst: Rebecca Robinson
Subject: Evidence	

EVIDENCE OR SEE FISC NOTE GF EX Page 1 of 1
Provides relative to safety belts. (Item #40) (1/1/20)

Proposes to repeal R.S. 32:295.1(E) in its entirety. Proposed legislation will allow the failure to wear a seat belt to be used as evidence of comparative negligence in lawsuits concerning motor vehicle accidents; and will be allowed as evidence to mitigate damages.

Effective January 1, 2021.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There will be an indeterminable impact to the Office of Risk Management (ORM) for potential and future claim payments related to motor vehicle accidents. ORM could not provide the number of pending cases involving seatbelts by the time of this writing. The number of claims involving seat belt usage which may be filed in the future is also unknown.

The proposed legislation would allow defendants/insurance companies in motor vehicle lawsuits to present evidence of a plaintiff's/claimant's failure to wear a seat belt in a motor vehicle accident as a contributory factor in the injuries suffered by defendants/claimants. Such evidence may reduce the damages paid to plaintiffs/claimants. However, the proposed legislation does not require that the failure to wear a seat belt be admitted into evidence. Judges will still have discretion over which evidence is presented to the trier of fact. Therefore, any expenditure increases or decreases is indeterminable.

LSU's Office of Risk Management and local governmental agencies will experience the same indeterminable impact.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

Evan Brasseaux
Staff Director