

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



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

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> June 9, 2020	5:24 PM	<b>Author:</b> HEWITT
<b>Dept./Agy.:</b> Office of Risk Management		<b>Analyst:</b> Rebecca Robinson
<b>Subject:</b> Evidence		

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

Proposes to amend R.S. 32:295.1(E) so that the failure to wear a safety belt in a motor vehicle accident may be considered evidence of comparative negligence, except in cases of distracted driving or driving while intoxicated. Further provides for a 10% reduction in damages if a party can prove by a preponderance of the evidence that the injured person failed to wear a safety belt at the time of injury.

Effective January 1, 2021.

<b>EXPENDITURES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
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	<b>\$0</b>
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

  

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

**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 a party involved in a motor vehicle claim/lawsuit to present evidence of the injured person's failure to wear a safety belt in a motor vehicle accident as a contributory factor in the injuries suffered by the injured person. Such evidence may reduce the damages paid to an injured person. 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 decrease 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*  


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**Evan Brasseaux**  
**Staff Director**