

2020 First Extraordinary Session

SENATE BILL NO. 9

BY SENATOR HEWITT

EVIDENCE. Provides relative to safety belts. (Item #40) (1/1/21)

1
2
3
4
5
6

AN ACT

To repeal R.S. 32:295.1(E), relative to safety belts; to provide relative to the failure to wear safety belts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:295.1(E) is hereby repealed in its entirety.

Section 2. This Act shall become effective on January 1, 2021.

The original instrument was prepared by Margaret M. Corley. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

SB 9 Reengrossed

2020 First Extraordinary Session

Hewitt

Present law prohibits consideration of the failure to wear a safety belt in violation of law as evidence of comparative negligence in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle.

Present law prohibits admission of the failure to wear a safety belt in violation of law to mitigate damages.

Proposed law repeals present law.

Effective January 1, 2021.

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

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Removes repealer of present law.
2. Provides that in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, failure to wear a safety belt in violation of present law may be considered evidence of comparative negligence, except when the tortfeasor is found to have been a distracted driver, or charged with a violation of present law (R.S. 14:98) or an ordinance of a political subdivision prohibiting operation of any vehicle or means of transportation or conveyance while intoxicated, impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance.
3. Provides that if a party proves by a preponderance of the evidence that the injured person failed to wear a safety belt in violation of present law at the time the injury occurred, any damages awarded to that person shall be reduced by 10% of the total damages awarded to that person.

Senate Floor Amendments to engrossed bill

1. Removed committee amendments and restored repeal of present law.