HLS 201ES-282 ENGROSSED

2020 First Extraordinary Session

1

HOUSE CONCURRENT RESOLUTION NO. 18

BY REPRESENTATIVE SEABAUGH

MTR VEHICLE/SEAT BELTS: Suspends provisions relative to safety belt evidence (Item #40)

A CONCURRENT RESOLUTION

2	To suspend until sixty days after final adjournment of the 2021 Regular Session of the
3	Legislature of Louisiana R.S. 32:295.1(E), relative to the exclusion of evidence of
4	failure to wear a safety belt.
5	WHEREAS, Article III, Section 20 of the Constitution of Louisiana provides that
6	"only the legislature may suspend a law"; and
7	WHEREAS, R.S. 32:295.1(E) provides that in actions to recover damages arising out
8	of the ownership, common maintenance, or operation of a motor vehicle, failure to wear a
9	safety belt is not admissible evidence of comparative negligence or to mitigate damages; and
10	WHEREAS, substantial revisions to R.S. 32:295.1(E) are required in order to
11	achieve the goals of the Legislature of Louisiana concerning tort reform and lowering motor
12	vehicle insurance premiums; and
13	WHEREAS, the purpose of this Resolution is to allow the Legislature of Louisiana
14	additional opportunity to make necessary revisions to R.S. 32:295.1(E).
15	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
16	the provisions of R.S. 32:295.1(E).
17	BE IT FURTHER RESOLVED that this suspension shall become effective upon
18	adoption of this Resolution and shall extend through the sixtieth day after final adjournment
19	of the 2021 Regular Session of the Legislature of Louisiana.

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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)]

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Seabaugh

Suspends R.S. 32:295.1(E) which provides that the failure to wear a safety belt in violation of <u>present law</u> 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 the failure to wear a safety belt in violation of <u>present law</u> shall not be considered evidence of comparative negligence.

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