

2020 First Extraordinary Session

SENATE CONCURRENT RESOLUTION NO. 14

BY SENATOR ROBERT MILLS

LIABILITY. Suspends certain provisions of law relative to safety belt evidence. (Item #40)

A CONCURRENT RESOLUTION

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To suspend until sixty days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana R.S. 32:295.1(E) relative to the exclusion of evidence of failure to wear a safety belt.

WHEREAS, Article III, Section 20 of the Constitution of Louisiana provides that only the legislature may suspend a law; and

WHEREAS, R.S. 32:295.1(E) provides that in actions to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, failure to wear a safety belt is not admissible evidence of comparative negligence or to mitigate damages; and

WHEREAS, substantial revisions to R.S. 32:295.1(E) are required in order to achieve the goals of the Legislature of Louisiana concerning tort reform and lowering motor vehicle insurance premiums; and

WHEREAS, the purpose of this Resolution is to allow the Legislature of Louisiana additional opportunity to make necessary revisions to R.S. 32:295.1(E).

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends the provisions of R.S. 32:295.1(E).

BE IT FURTHER RESOLVED that this suspension shall become effective upon adoption of this Resolution and shall extend through the sixtieth day after final adjournment

1 of the 2021 Regular Session of the Legislature of Louisiana.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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DIGEST

SCR 14 Engrossed

2020 First Extraordinary Session

Robert Mills

Effective through the 60th day following the 2021 Regular Session, suspends R.S. 32:295.1(E), which provides that the 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 the failure to wear a safety belt in violation of present law shall not be considered evidence of comparative negligence or to mitigate damages.

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