

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)

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A CONCURRENT RESOLUTION

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 Resolution shall become effective if, and only if, neither the Act which originated as House Bill No. 57 of the 2020 First

1 Extraordinary Session or the Act which originated as Senate Bill No. 9 of the 2020 First
2 Extraordinary Session is enacted or if both are vetoed.

3 BE IT FURTHER RESOLVED that, if and only if neither House Bill No. 57 of the
4 2020 First Extraordinary Session or the Act which originated as Senate Bill No. 9 of the
5 2020 First Extraordinary Session is enacted or if both are vetoed, this Resolution shall
6 become effective on August 1, 2020, and shall extend through the sixtieth day after final
7 adjournment of the 2021 Regular Session of the Legislature of Louisiana.

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

SCR 14 Reengrossed

2020 First Extraordinary Session

Robert Mills

Proposed resolution suspends R.S. 32:295.1(E) through the 60th day following the 2021 Regular Session. Present law 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.

Proposed resolution further provides that it shall become effective on August 1, 2020, if and only if neither the Act which originated as House Bill No. 57 of the 2020 First Extraordinary Session or the Act which originated as Senate Bill No. 9 of the 2020 First Extraordinary Session is enacted or if both are vetoed.

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

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Revised effective date language.