

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



Fiscal Note On: **SCR 14** SLS 201ES 185

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> June 28, 2020 5:51 PM	<b>Author:</b> MILLS, ROBERT
<b>Dept./Agy.:</b> Office of Risk Management	<b>Analyst:</b> Patrice Thomas
<b>Subject:</b> Suspends Exclusion of Failure to Wear Safety Belt Evidence	

LIABILITY RE SEE FISC NOTE GF EX See Note Page 1 of 1  
Suspends certain provisions of law relative to safety belt evidence. (Item #40)

If HB 57 of the 2020 1st Extraordinary Session is not enacted or is vetoed, proposed concurrent resolution that suspends R.S. 32:295.1(E) from August 1, 2020 until 60 days after final adjournment of the 2021 Regular Session shall become effective. Therefore, under the suspension of R.S. 32:295.1(E), proposed concurrent resolution allows the failure to wear a safety belt to be used as evidence of comparative negligence and to mitigate damages in motor vehicle accident claims or lawsuits. Proposed resolution becomes effective August 1, 2020 through the 60th day after final adjournment of the 2021 Regular Session only if HB 57 of the 2020 1st Extraordinary Session fails to become law.

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

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

**EXPENDITURE EXPLANATION**

If HB 57 of the 2020 1st Extraordinary Session is not enacted or is vetoed by the Governor, proposed concurrent resolution shall become effective. Under proposed concurrent resolution, there will be an indeterminable impact on the Office of Risk Management (ORM) as a result of potential and future claim payments related to motor vehicle accidents occurring between adoption of the proposed resolution from August 1, 2020 through August 10, 2021. ORM could not provide the number of pending cases involving safety belts by the time of this writing. Also, the number of claims involving seat belt usage which may be filed in the future is indeterminable.

Proposed resolution allows a party involved in a claim or 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 that person. Such evidence may reduce the damages paid to an injured person. However, the proposed concurrent resolution does not require that the failure to wear a safety belt be admitted into evidence. Judges will still have discretion over which evidence is presented to the trier of fact. Therefore, any decrease in expenditures related to reduced settlements and/or judgments within ORM is indeterminable. LSU's Office of Risk Management and local governmental agencies will experience the same indeterminable impact.

Proposed concurrent resolution is effective August 1, 2020 until the 60th day after the final adjournment of the 2021 Regular Session (August 10, 2021) only if HB 57 of the 2020 1st Extraordinary Session fails to become law.

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