

2020 First Extraordinary Session

HOUSE BILL NO. 55

BY REPRESENTATIVES MIKE JOHNSON, ADAMS, BACALA, BAGLEY, BOURRIAQUE, BUTLER, CARRIER, ROBBY CARTER, CREWS, DAVIS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FIRMENT, FREEMAN, FREIBERG, GOUDEAU, HARRIS, HORTON, HUVAL, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, CHARLES OWEN, ROBERT OWEN, PRESSLY, ROMERO, SCHAMERHORN, SEABAUGH, THOMAS, THOMPSON, TURNER, AND WRIGHT AND SENATOR HEWITT

1 AN ACT

2 To enact Code of Evidence Art. 416 and to repeal R.S. 32:295.1(E), relative to the
3 requirement to wear safety belts while operating a motor vehicle; to provide for the
4 introduction of evidence of the failure to wear a safety belt under certain
5 circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 416 is hereby enacted to read as follows:

8 Art. 416. Wearing a safety belt

9 In any action to recover damages arising out of the ownership, common
10 maintenance, or operation of a motor vehicle, failure to wear a safety belt in
11 violation of R.S. 32:295.1 shall be considered as evidence in the determination of
12 comparative negligence, causation, and the mitigation of damages and may be used
13 as an affirmative defense.

14 Section 2. R.S. 32:295.1(E) is hereby repealed.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.