

2024 Regular Session

HOUSE BILL NO. 785

BY REPRESENTATIVE SCHAMERHORN

LIABILITY/CIVIL: Provides relative to liability for commercial motor vehicles

1 AN ACT

2 To enact R.S. 9:2791.1, relative to liability for commercial motor vehicles; to provide for  
3 definitions; to provide for a limitation of liability for commercial motor vehicles and  
4 motor vehicle rental agencies; to provide for an exception; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2791.1 is hereby enacted to read as follows:

8 §2791.1. Limitation of liability for commercial motor vehicles

9 A. For purposes of this Section:

10 (1) "Commercial motor vehicle" means a motor vehicle used in commerce  
11 to transport passengers or property. This definition shall also include a motor  
12 vehicle rental agency as provided by 49 U.S.C. 30106.

13 (2) "Optional equipment" means equipment or a component part of a  
14 commercial motor vehicle that:

15 (a) Was not required to be installed or equipped on the commercial motor  
16 vehicle under the Federal Motor Vehicle Safety Standards as provided by 49 C.F.R.  
17 571 at the time the commercial motor vehicle was manufactured or sold, whichever  
18 occurred last.

19 (b) Was not required by law to be installed on the commercial motor vehicle  
20 issued after the vehicle was manufactured or first sold.

1           B. No individual shall have a cause of action against an owner, a lessor, or  
2           an operator of a commercial motor vehicle, or a person renting or leasing the  
3           commercial motor vehicle for failure to install optional equipment on a commercial  
4           motor vehicle.

5           C. The provisions of this Section do not apply to a vehicle involved in an  
6           accident after failure to comply with a law requiring a mandatory recall.

7           D. The owner of a commercial motor vehicle shall have no duty to install  
8           optional equipment. Additionally, the absence of optional equipment shall not be  
9           admissible to establish the owner's negligence.

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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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HB 785 Reengrossed

2024 Regular Session

Schamerhorn

**Abstract:** Provides relative to liability for commercial motor vehicles.

Proposed law defines "commercial motor vehicle" and "optional equipment".

Proposed law provides that no individual shall have a cause of action against an owner, a lessor, or an operator of a commercial motor vehicle, or a person renting or leasing the commercial motor vehicle for failure to install optional equipment.

Proposed law provides an exception for vehicles involved in an accident after failure to comply with a law requiring a mandatory recall.

Proposed law provides that the owner of a commercial motor vehicle shall have no duty to install optional equipment, and the absence of optional equipment shall not be admissible to establish the owner's negligence.

(Adds R.S. 9:2791.1)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Provide that the owner of a commercial motor vehicle shall have no duty to install optional equipment, and the absence of optional equipment shall not be admissible to establish the owner's negligence.