

ACT No. 490

2024 Regular Session

HOUSE BILL NO. 785

BY REPRESENTATIVE SCHAMERHORN

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.

21 B. No individual shall have a cause of action against an owner, a lessor, or
22 an operator of a commercial motor vehicle, or a person renting or leasing the

1 commercial motor vehicle for failure to install optional equipment on a commercial
2 motor vehicle.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____