

GREEN SHEET REDIGEST

HB 55

2020 First Extraordinary Session

Mike Johnson

**MTR VEHICLE/SEAT BELTS: Provides relative to evidence of causation from nonuse of a safety belt. (Item #40)**

-----  
DIGEST

Present law provides certain requirements for wearing of safety belts.

Present law further provides that in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, failure to wear a safety belt in violation of present law shall not be considered evidence of comparative negligence. Further provides that failure to wear a safety belt in violation of present law shall not be admitted to mitigate damages.

Proposed law repeals present law provisions, and adds a new Code of Evidence Article that provides for the introduction of evidence of failure to wear a safety belt in order to establish comparative negligence, causation, and the mitigation of damage. Proposed law provides that the evidence for failure to wear a safety belt may be used as an affirmative defense.

(Adds C.E. Art. 416; repeals R.S. 32:295.1(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Provide that failure to wear a safety belt may be used as an affirmative defense.
2. Remove proposed law provision which superseded Section 6 of Senate Bill No. 418 of the 2020 Regular Session.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Moves provisions of proposed law to the Code of Evidence.
2. Repeals provisions of present law which provide that the failure to wear a safety belt in violation of present law shall not be considered evidence of comparative negligence.