

2019 Regular Session

SENATE BILL NO. 148

BY SENATOR HEWITT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC. Provides relative to safety belts. (8/1/19)

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AN ACT

To amend and reenact R.S. 32:295.1(E), relative to safety belts; to provide relative to the failure to wear a safety belt; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:295.1(E) is hereby amended and reenacted to read as follows:

§295.1. Safety belt use; tags indicating exemption

\* \* \*

E. 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 this Section ~~shall not~~ **may** be considered evidence of comparative negligence. ~~Failure to wear a safety belt in violation of this Section shall not be admitted to mitigate damages.~~

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

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## DIGEST

SB 148 Original

2019 Regular Session

Hewitt

Present law prohibits consideration of the failure to wear a safety belt in violation of law as evidence of comparative negligence in any action to recover damages arising out of ownership, common maintenance, or operation of a motor vehicle.

Present law prohibits admission of the failure to wear a safety belt in violation of law to mitigate damages.

Proposed law changes present law to allow consideration of evidence of failure to wear a safety belt in an action to recover damages arising from a motor vehicle accident as comparative negligence and removes provision prohibiting its admission to mitigate damages.

Effective August 1, 2019.

(Amends R.S. 32:295.1(E))