

2019 Regular Session

SENATE BILL NO. 154

BY SENATOR WARD

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

LIABILITY. Provides relative to civil liability for certain damages involving vehicles and highways. (8/1/19)

1 AN ACT

2 To amend and reenact R.S. 32:291, relative to civil liability and damages; to provide relative

3 to certain civil liability and damages involving vehicles and highways; to provide for

4 liability and damages; to provide for evidence; to provide for prescription; to provide

5 for certain terms, conditions, and effects; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:291 is hereby amended and reenacted to read as follows:

8 §291. Liability for damage to highway or structure; **evidence; prescription**

9 A. Any person driving any vehicle, object or contrivance upon any highway

10 or highway structure shall be liable for all damages which said highway or structure

11 may sustain as a result of any illegal operation, driving or moving of such vehicle,

12 object or contrivance, or as a result of operating, driving or moving any vehicle,

13 object or contrivance weighing in excess of the maximum weight permitted in this

14 Chapter even if authorized by a special permit issued as provided in R.S. 32:388 **385,**

15 **386, and 387.**

16 B. Whenever such driver is not the owner of ~~such~~ **the** vehicle, object or

17 contrivance but is so operating, driving or moving the same with the express or

1 implied permission of ~~said the~~ owner, then ~~said the~~ owner and driver shall ~~be jointly~~
2 ~~and severally liable~~ **have solidary liability** for any such damage.

3 **C. Evidence of liability and damage as provided in this Section shall be**
4 **admissible as authorized by the Louisiana Code of Evidence or other applicable**
5 **provision of law.**

6 **D. The prescriptive period or periods for actions under the provisions of**
7 **this Section shall be governed by the Louisiana Civil Code or other applicable**
8 **provision of law.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

SB 154 Original 2019 Regular Session Ward

Present law, relative to civil liability provides that any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damages, which the highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object, or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance weighing in excess of the permitted maximum weight, even if authorized by a special permit issued as provided in R.S. 32:388.

Proposed law redesignates cross-reference concerning weight and special permits from R.S. 32:388 to R.S. 32:385-387.

Present law provides whenever such a driver causing damage is not the owner of the vehicle, object, or contrivance but is operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage.

Proposed law changes "be jointly and severally liable" to "have solidary liability".

Proposed law further provides that evidence of liability and damage shall be admissible as authorized by the Louisiana Code of Evidence or other applicable provision of law, and that the prescriptive period or periods for actions under the provisions of the proposed law shall be governed by the Louisiana Civil Code or other applicable provision of law.

Effective August 1, 2019.

(Amends R.S. 32:291)