SLS 20RS-138 ORIGINAL

2020 Regular Session

SENATE BILL NO. 338

BY SENATOR WARD

EVIDENCE. Provides relative to admissibility of certain evidence regarding failure to wear a safety belt. (8/1/20)

AN ACT 1 2 To enact Code of Evidence Art. 416, and to repeal R.S. 32:295.1(E), relative to civil liability and damages; to provide relative to certain evidence regarding failure to wear a 3 4 safety belt; to provide for certain terms and conditions; and to provide for related 5 matters. Be it enacted by the Legislature of Louisiana: 6 7 Section 1. Code of Evidence Article 416 is hereby enacted to read as follows: 8 Art. 416. Wearing a safety belt 9 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 10 11 violation of law may be considered as evidence of comparative negligence. The 12 admissibility of such evidence shall be determined by the court out of the 13 hearing of the jury. 14 Section 2. R.S. 32:295.1(E) is hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST 2020 Regular Session

Ward

SB 338 Original

Present law provides certain requirements for wearing of safety belts.

<u>Present law</u> 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 <u>present law</u> shall not be considered evidence of comparative negligence. Further provides that failure to wear a safety belt in violation of <u>present law</u> shall not be admitted to mitigate damages.

<u>Proposed law repeals present law provisions</u>, and adds as new Code of Evidence Article 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 law may be considered evidence of comparative negligence. The admissibility of such evidence shall be determined by the court out of the hearing of the jury.

Effective August 1, 2020.

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