

Regular Session, 2014

HOUSE BILL NO. 606

BY REPRESENTATIVE ABRAMSON

CIVIL/DAMAGES: Provides relative to damages for failure to wear a seatbelt

1 AN ACT

2 To amend and reenact R.S. 32:295.1(E), relative to the failure to use safety belts; to provide
3 for admissibility of evidence of the failure to use a safety belt; to provide that the
4 failure to use a safety belt shall result in a reduction of damages; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §295.1. Safety belt use; tags indicating exemption

9 * * *

10 E. In any action to recover damages arising out of the ownership, common
11 maintenance, or operation of a motor vehicle, ~~failure to wear a safety belt in~~
12 ~~violation of this Section shall not be considered evidence of comparative negligence.~~
13 ~~Failure to wear a safety belt in violation of this Section shall not be admitted to~~
14 ~~mitigate damages~~ the court shall permit any party to admit evidence of failure to
15 wear a safety belt in violation of this Section. If that party proves by a
16 preponderance of the evidence that the injured person failed to wear a safety belt in
17 violation of this Section at the time the injury occurred, any damages awarded to that
18 person shall be reduced by fifteen percent of the total damages awarded to that
19 person.

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 606

Abstract: Provides for the admissibility of evidence of failure to wear a safety belt while operating a motor vehicle and provides for a reduction of damages.

Present law requires that each driver of certain motor vehicles and each occupant, except as otherwise provided by law, shall have a safety belt properly fastened at all times when the vehicle is in forward motion.

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

Proposed law provides that the court shall permit the introduction of evidence of failure to wear a safety belt in violation of present law.

Proposed law provides that if any party establishes by a preponderance of the evidence that the injured person failed to wear a safety belt at the time the injury occurred, any damages awarded to that person shall be reduced by 15% of the damages awarded to that person.

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