
The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by Xavier Alexander.

SB 154 Engrossed

DIGEST
2019 Regular Session

Ward

Present law, relative to civil liability and damages, 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.

Present law in Civil Code provides prescriptive period of one year for certain delictual actions. Proposed law increases time from one year to two years.

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 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, 2019.

(Amends R.S. 32:291 and C.C. Arts. 3492 and 3493; adds C.E. Art. 416; repeals R.S. 32:295.1(E))

Summary of Amendments Adopted by Senate

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

1. Adds language relative to Civil Code and Code of Evidence.
2. Adds repeal of R.S. 32:295.1(E).