

2020 First Extraordinary Session

HOUSE BILL NO. 55

BY REPRESENTATIVE MIKE JOHNSON

MTR VEHICLE/SEAT BELTS: Provides relative to evidence of causation from nonuse of a safety belt (Item #40)

1 AN ACT

2 To amend and reenact R.S. 32:295.1(E), relative to the requirement to wear safety belts
3 while operating a motor vehicle; to provide for the introduction of evidence of the
4 failure to wear a safety belt under certain circumstances; and to provide for related
5 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 as evidence in the determination of
13 comparative negligence, causation, and the mitigation of damages and may be used
14 as an affirmative defense. ~~Failure to wear a safety belt in violation of this Section~~
15 ~~shall not be admitted to mitigate damages.~~

16 * * *

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)]

HB 55 Engrossed

2020 First Extraordinary Session

Mike Johnson

Abstract: Authorizes the introduction of evidence for failure to wear a safety belt in order to establish comparative negligence or to mitigate damages.

Present law requires that each driver and passenger of a passenger car, van, sports utility vehicle, or truck having a gross weight of 10,000 pounds or less, have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion.

Present law provides certain exceptions to the present law requirement of wearing a seatbelt under certain circumstances, including exceptions for cars, vans, sports utility vehicles, or pickups manufactured prior to January 1, 1981, farm vehicles, rural letter carriers, utility workers, and occupants with physical or mental disabilities.

Proposed law retains present law.

Present law provides that failure to wear a safety belt in violation of present law shall not be admitted to mitigate damages in any action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, and that failure to wear a safety belt in violation of present law shall not be considered evidence of comparative negligence.

Proposed law changes present law by providing for the introduction of evidence of failure to wear a safety belt in order to establish comparative negligence, causation, and the mitigation of damage. Proposed law provides that the evidence for failure to wear a safety belt may be used as an affirmative defense.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Provide that failure to wear a safety belt may be used as an affirmative defense.
2. Remove proposed law provision which superseded Section 6 of Senate Bill No. 418 of the 2020 Regular Session.