

Regular Session, 2010

HOUSE BILL NO. 134

BY REPRESENTATIVE ABRAMSON

LIABILITY/CIVIL: Establishes a prima facie case of liability for those who are in an accident while using a hand-held communication device

1 AN ACT

2 To enact R.S. 13:3742, relative to admissibility of evidence; to provide for prima facie  
3 evidence of fault in certain circumstances; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 13:3742 is hereby enacted to read as follows:

6 §3742. Use of hand-held communication device; prima facie evidence of fault

7 In the trial of any action to recover personal injury or property damages  
8 sustained by any party, it shall be prima facie evidence of fault on the part of a driver  
9 of a motor vehicle who is involved in a collision while driving and simultaneously  
10 using any hand-held electronic communication device.

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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)]

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Abramson

HB No. 134

**Abstract:** Establishes prima facie evidence of fault of a driver using a hand-held electronic communication device while operating a motor vehicle involved in a collision.

Proposed law provides that it shall be prima facie evidence of fault on the part of a driver of a motor vehicle involved in a collision while driving and using a hand-held electronic communication device.

(Adds R.S. 13:3742)