

2020 Regular Session

SENATE BILL NO. 12

BY SENATOR HEWITT

TRAFFIC. Provides relative to safety belts. (8/1/20)

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AN ACT

To amend and reenact R.S. 32:295.1(E), relative to safety belts; to provide relative to the failure to wear safety belts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§295.1. Safety belt use; tags indicating exemption

* * *

E. 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 this Section ~~shall not~~ **may** be considered evidence of comparative negligence. ~~Failure to wear a safety belt in violation of this Section shall not be admitted to mitigate damages.~~

* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

SB 12 Original

2020 Regular Session

Hewitt

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

Present law prohibits admission of the failure to wear a safety belt in violation of law to mitigate damages.

Proposed law changes present law to allow consideration of evidence of failure to wear a safety belt in an action to recover damages arising from a motor vehicle accident as comparative negligence and removes provisions prohibiting its admission to mitigate damages.

Effective August 1, 2020.

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