
DIGEST

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Harrison

HB No. 118

Abstract: Requires an owner or operator of a motor vehicle who fails to maintain motor vehicle liability security to pay the attorney fees of opposing parties to an action for damages under certain circumstances.

Present law provides that there "should" be no recovery for the first \$15,000 of bodily injury and no recovery for the first \$25,000 of property damage based on any cause of action arising out of a motor vehicle accident, for damages incurred by an owner or operator who fails to maintain compulsory motor vehicle liability security.

Proposed law retains present law but changes "should" to "shall" to be consistent with the terminology of Act 1476 of the 1997 Regular Session.

Present law provides that if the owner of a motor vehicle, who fails to maintain compulsory motor vehicle liability security, institutes an action to recover damages and is awarded an amount equal to or less than the minimum amount of compulsory motor vehicle liability security, then the owner or operator shall be liable for all court costs incurred by all parties to the action.

Proposed law retains present law and adds that if the owner or operator of a motor vehicle is not awarded any damages, then he shall also be liable for all attorney fees incurred by all parties to the action.

(Amends R.S. 32:866(A)(1), (C), and (G)(1)(c))