

2020 Regular Session

HOUSE BILL NO. 230

BY REPRESENTATIVE HUVAL

EVIDENCE: Provides relative to the admissibility of evidence for failure to wear a safety belt

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; to provide for exceptions;
5 and to provide for related 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, except for a school bus as defined in
12 R.S. 32:1(62), failure to wear a safety belt in violation of this section shall not
13 Section may be considered evidence of comparative negligence; and damages, except
14 when the tortfeasor is charged with a violation of R.S. 14:98 or an ordinance of a
15 political subdivision prohibiting operation of any vehicle or means of transportation
16 or conveyance while intoxicated, impaired, or while under the influence of alcohol,
17 drugs, or any controlled dangerous substance. Failure to wear a safety belt in
18 violation of this Section shall not be admitted to mitigate damages.

19 * * *

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 230 Original

2020 Regular Session

Huval

Abstract: Authorizes the introduction of evidence of failure to wear a safety belt in order to establish both comparative negligence and damages, except in certain circumstances.

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 safety belt under certain circumstances, including exceptions for cars, vans, sports utility vehicles, or pickups manufactured prior to Jan. 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 the 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 authorizing the introduction of evidence of failure to wear a safety belt in order to establish both comparative negligence and damages, except for the operation of school buses as defined in R.S. 32:1(62), or when the tortfeasor is charged with a violation of the prohibition of operating a motor vehicle while intoxicated.

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