HLS 201ES-282 REENGROSSED

2020 First Extraordinary Session

1

HOUSE CONCURRENT RESOLUTION NO. 18

BY REPRESENTATIVE SEABAUGH

MTR VEHICLE/SEAT BELTS: Suspends provisions relative to safety belt evidence (Item #40)

A CONCURRENT RESOLUTION

2	To suspend until sixty days after final adjournment of the 2021 Regular Session of the
3	Legislature of Louisiana R.S. 32:295.1(E), relative to the exclusion of evidence of
4	failure to wear a safety belt.
5	WHEREAS, Article III, Section 20 of the Constitution of Louisiana provides that
6	"only the legislature may suspend a law"; and
7	WHEREAS, R.S. 32:295.1(E) provides that in actions to recover damages arising out
8	of the ownership, common maintenance, or operation of a motor vehicle, failure to wear a
9	safety belt is not admissible evidence of comparative negligence or to mitigate damages; and
10	WHEREAS, substantial revisions to R.S. 32:295.1(E) are required in order to
11	achieve the goals of the Legislature of Louisiana concerning tort reform and lowering motor
12	vehicle insurance premiums; and
13	WHEREAS, the purpose of this Resolution is to allow the Legislature of Louisiana
14	additional opportunity to make necessary revisions to R.S. 32:295.1(E).
15	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
16	the provisions of R.S. 32:295.1(E).
17	BE IT FURTHER RESOLVED that this Resolution shall become effective if, and
18	only if, the Act which originated as House Bill No. 57 of the 2020 First Extraordinary
19	Session is not enacted or is vetoed and fails to become law.
20	BE IT FURTHER RESOLVED that if, and only if, House Bill No. 57 of the 2020
21	First Extraordinary Session is not enacted or is vetoed and fails to become law, this

- 1 Resolution shall become effective on August 1, 2020, and shall extend through the sixtieth
- 2 day after final adjournment of the 2021 Regular Session of the Legislature of Louisiana.

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)]

HCR 18 Reengrossed

2020 First Extraordinary Session

Seabaugh

Suspends R.S. 32:295.1(E) which provides that the failure to wear a safety belt in violation of <u>present law</u> 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 the failure to wear a safety belt in violation of <u>present law</u> shall not be considered evidence of comparative negligence.

Effective on Aug. 1, 2020, if House Bill No. 57 of this 2020 First E.S. is not enacted or is vetoed and fails to become law.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add that this Resolution is effective on Aug. 1, 2020, only if the Act which originated as House Bill No. 57 of the 2020 First E.S. is not enacted or is vetoed and fails to become law.