

2021 Regular Session

HOUSE BILL NO. 386

BY REPRESENTATIVES FARNUM AND BOURRIAQUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS: Provides relative to appointment of special masters in certain civil actions arising within a parish included in a major disaster declaration

1 AN ACT

2 To enact R.S. 13:4165(F), relative to courts and judicial procedure; to authorize appointment
3 of special masters under certain circumstances; to provide for mediation; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:4165(F) is hereby enacted to read as follows:

7 §4165. Special masters; appointment; duties and powers; compensation

8 * * *

9 F.(1) For causes of action arising from a disaster within a parish declared by
10 the president of the United States to be subject to a major disaster declaration under
11 42 U.S.C. 5121 through 5207 and certified for individual assistance in accordance
12 with the provisions of C.F.R. 206.48(b), the judges with civil jurisdiction in any
13 court of competent jurisdiction may en banc appoint one or more special masters for
14 all causes of action related to first-party insurance property damage claims.

15 (2) Notwithstanding any other provision of law to the contrary, any order
16 issued pursuant to this Subsection may provide for the appointment, duties, or
17 compensation of the special master or masters in any manner directed by the court,
18 and the court shall allow a party an opportunity to file a motion to opt out of the
19 proceedings before the special master upon a showing of good cause.

1 (3) Notwithstanding any other provision of law to the contrary, any order
2 issued pursuant to this Subsection may provide for mandatory mediation with the
3 goal of expedited dispute resolution using a qualified neutral mediator appointed and
4 compensated in the manner directed by the court.

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 386 Engrossed

2021 Regular Session

Farnum

Abstract: Provides for the appointment of special masters in parishes included in a major disaster declaration.

Present law provides the authority and procedure for the appointment, duties, powers, and compensation of a special master.

Proposed law provides for the appointment of one or more special masters for all causes of action related to first-party insurance property damage claims in a parish declared by the president of the United States to be subject to a major disaster declaration and certified for individual assistance under federal law.

Proposed law provides for the appointment, duties, or compensation of the special master or masters in any manner directed by the court. Provides that the court shall allow a party an opportunity to file a motion to opt out of proceedings before the special master upon a showing of good cause.

Proposed law provides for the possibility of mandatory mediation with the goal of expedited dispute resolution using qualified neutral mediators appointed and compensated in the manner directed by the court.

(Adds R.S. 13:4165(F))