The original instrument was prepared by Alan Miller. The following digest, which
does not constitute a part of the legislative instrument, was prepared by Beth O'Quin.

DIGEST
SB 402 Engrossed 2022 Regular Session Abraham

Present law provides for the appointment of a special master in any civil action wherein complicated
legal or factual issues are presented or wherein exceptional circumstances of the case warrant such
appointment upon consent of all parties.

Present law provides that for causes of action arising from a disaster within a parish declared by the
president of the United States to be subject to a major disaster declaration under federal law and
certified for individual assistance in accordance with the provisions of federal rules, the judges with
civil jurisdiction in any court of competent jurisdiction may en banc appoint one or more special
masters for all causes of action related to first-party insurance property damage claims.

Present law authorizes any special master appointed pursuant to present law to waive the
appointment.

Proposed law limits present law appointment waiver to special masters appointed to serve in a major
disaster area.

Present law further requires orders initially issued pursuant to present law after January 1, 2022, to
provide for an opt-out upon request of any party.

Proposed law extends the deadline provided for in present law from January 1, 2022, to July 1, 2022.

Proposed law requires that notwithstanding any provision of present law to the contrary, any order
issued pursuant to present law be applicable to the successor in interest to any party subject to the
order, in the same manner as originally applicable to the insured or insurer.

Proposed law authorizes a guaranty association can voluntarily participate in a mediation that is
initiated pursuant to a case management order six months after the guaranty association assumes
responsibility for the payment of the covered claim pursuant to an expressed order of the receivership
court or pursuant to an order of liquidation by the receivership court, or at a time prior to the
expiration of six months as the guaranty association in its sole discretion determines that it has
sufficient information to participate in a mediation, but participation by the guaranty association in
mediation can waive any rights it is afforded to under law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:4165(F)(7); adds R.S. 13:4165(F)(9) and (10))

Summary of Amendments Adopted by Senate
Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Provides for voluntary participation by a guaranty association.