

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 431****2025 Regular Session****Chenevert**

LIABILITY/TORTS: Provides relative to modified comparative fault

Synopsis of Senate Amendments

1. Makes technical changes.
2. Replaces references to "claimant" with "the person who suffers injury, death, or loss".
3. Adds that where the issue of comparative fault is submitted to the jury, the jury shall be instructed on the effect of proposed law.
4. Clarifies comparative fault as provided for in present law.

Digest of Bill as Finally Passed by Senate

Present law provides that if a person suffers injury, death, or loss as the result partly of his own negligence and partly as a result of the fault of another person or persons, the amount of damages the plaintiff can recover shall be reduced in proportion to the degree or percentage of negligence attributable to the person suffering the injury, death, or loss.

Proposed law provides that if a person suffers injury, death, or loss partly as the result of his own negligence and partly as a result of the fault of another person, then the following shall apply:

- (1) If the degree or percentage of negligence attributable to the person suffering injury, death, or loss is equal to or greater than 51%, then the person shall not be entitled to recover damages.
- (2) If the degree or percentage of negligence attributable to the person suffering injury, death, or loss is less than 51%, then the amount of damages the person can recover is reduced in proportion to the degree or percentage of negligence attributable to the person suffering the injury, death, or loss.

Proposed law adds that where the issue of comparative fault is submitted to the jury, the jury shall be instructed on the effect of proposed law.

Effective Jan. 1, 2026.

(Amends C.C. Art. 2323(A); Adds C.C. Art. 2323(D))