

RÉSUMÉ DIGEST

ACT 15 (HB 431)

2025 Regular Session

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Existing 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.

New 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.

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

Effective January 1, 2026.

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