

SENATE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 439 by Representative Zeringue

1 AMENDMENT NO. 1

2 On page 1, line 3, after "1002," insert "1464,"

3 AMENDMENT NO. 2

4 On page 1, line 8, after "pleading;" insert "to provide relative to mental or physical
5 examinations of certain persons;"

6 AMENDMENT NO. 3

7 On page 1, line 17, after "1002," insert "1464,"

8 AMENDMENT NO. 4

9 On page 4, between lines 10 and 11, insert

10 "Art. 1464. Order for physical or mental examination of persons

11 A. When the mental or physical condition of a party, or of a person in the
12 custody or under the legal control of a party, is in controversy, the court in which the
13 action is pending may order the party to submit to a physical or mental examination
14 by a physician or to produce for examination the person in his custody or legal
15 control, except as provided by law. In addition, the court may order the party to
16 submit to an examination by a vocational rehabilitation expert or a licensed clinical
17 psychologist who is not a physician, provided the party has given notice of intention
18 to use such an expert. The order may be made only on motion for good cause shown
19 and upon notice to the person to be examined and to all parties and shall specify the
20 time, place, manner, conditions, and scope of the examination and the person or
21 persons by whom it is to be made. The examination shall not be referred to as an
22 "independent" examination in the presence of a jury.

23 B. Regardless of the number of defendants, a plaintiff shall not be ordered to
24 submit to multiple examinations by multiple physicians within the same field of
25 specialty.

26 C. A minor subject to examination under the provisions of this Article shall
27 have the right to have a parent, or tutor or legal guardian, present during the
28 examination. If such person cannot be present, the court shall order the examination
29 to be videotaped. The court shall consider the best interests of the minor and may
30 impose conditions upon videotaping, including that it be done in a manner least
31 harmful to the minor and without disclosure to the minor. The costs associated with
32 the videotaping shall be paid by the party requesting the examination.

33 D. Subject to the provisions of Paragraph C, if a videotape is made of an
34 examination, the party requesting videotaping shall pay the costs associated with
35 such videotaping.

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