HLS 18RS-1225 ORIGINAL

2018 Regular Session

HOUSE BILL NO. 719

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BY REPRESENTATIVE FOIL

SUITS AGAINST ST/CLAIMS: Provides relative to personal injury claims against the state

AN ACT

| 2 | To amend and reenact R.S. 13:5106(B)(3)(c), relative to limitations on damages assessed in |
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| 3 | suits against the state, state agencies, or political subdivisions; to provide for the |
| 4 | payment of future medical care and related benefits payable by the state or a state |
| 5 | agency; and to provide for related matters. |
| 6 | Be it enacted by the Legislature of Louisiana: |
| 7 | Section 1. R.S. 13:5106(B)(3)(c) is hereby amended and reenacted to read as |
| 8 | follows: |
| 9 | §5106. Limitations |
| 10 | * * * |
| 11 | В. |
| 12 | * * * |
| 13 | (3) |
| 14 | * * * |
| 15 | (c) In any suit for personal injury against the state or a state agency wherein |
| 16 | the court pursuant to judgment determines that the claimant is entitled to medical |
| 17 | care and related benefits that may be incurred subsequent to judgment, the court shall |
| 18 | order that all such medical care and related benefits incurred subsequent to judgment |
| 19 | shall be paid from the Future Medical Care Fund as provided in R.S. 39:1533.2. |
| 20 | Medical care and related benefits shall be paid directly to the provider as they are |

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

incurred. Nothing in this Subparagraph shall be construed to prevent the parties from
entering into a settlement or compromise at any time whereby medical care and
related benefits shall be provided but with the requirement that they shall be paid in
accordance with this Subparagraph.

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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 719 Original

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2018 Regular Session

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Abstract: In a personal injury suit against the state or a state agency, limits payment of future medical care and related benefits to those to which the court determines the claimant is entitled.

<u>Present law</u> provides that in any suit for personal injury against the state or a state agency wherein the court determines that the claimant is entitled to medical care and related benefits that may be incurred subsequent to judgment, the court shall order that *all* medical care and related benefits incurred subsequent to judgment be paid from the Future Medical Care Fund.

<u>Proposed law</u> limits the court's order to require payment of the medical care and related benefits that the court determines the claimant is entitled to, only.

(Amends R.S. 13:5106(B)(3)(c))