

2020 First Extraordinary Session

HOUSE BILL NO. 57

BY REPRESENTATIVE SCHEXNAYDER

CIVIL/ACTIONS: Enacts the Civil Justice Reform Act of 2020 (Item #40)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1732(1) and 4872 and Code of
3 Evidence Article 409, to enact Code of Civil Procedure Article 4873.1, and to repeal
4 R.S. 32:295.1(E), relative to civil actions; to lower the jury trial threshold; to limit
5 the transfer of cases from courts of limited jurisdiction to district courts; to authorize
6 the admissibility of evidence of medical expenses paid under certain circumstances;
7 to repeal provisions prohibiting certain evidence regarding the failure to wear safety
8 belts; to provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. The provisions of this Act shall be known as the "Civil Justice Reform
11 Act of 2020".

12 Section 2. Code of Civil Procedure Articles 1732(1) and 4872 are hereby amended
13 and reenacted and Code of Civil Procedure Article 4873.1 is hereby enacted to read as
14 follows:

15 Art. 1732. Limitation upon jury trials

16 A trial by jury shall not be available in:

17 (1) A suit where the amount of no individual petitioner's cause of action
18 exceeds ~~forty~~ ten thousand dollars exclusive of interest and costs, except as follows:

19 (a) If an individual petitioner stipulates or otherwise judicially admits sixty
20 days or more prior to trial that the amount of the individual petitioner's cause of

1 action does not exceed ~~fifty~~ ten thousand dollars exclusive of interest and costs, a
2 defendant shall not be entitled to a trial by jury.

3 (b) If an individual petitioner stipulates or otherwise judicially admits for the
4 first time less than sixty days prior to trial that the amount of the individual
5 petitioner's cause of action does not exceed ~~fifty~~ ten thousand dollars exclusive of
6 interest and costs, any other party may retain the right to a trial by jury if that party
7 is entitled to a trial by jury pursuant to this Article and has otherwise complied with
8 the procedural requirements for obtaining a trial by jury.

9 (c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if,
10 as a result of a compromise or dismissal of one or more claims or parties which
11 occurs less than sixty days prior to trial, an individual petitioner stipulates or
12 otherwise judicially admits that the amount of the individual petitioner's cause of
13 action does not exceed ~~fifty~~ ten thousand dollars exclusive of interest and costs, a
14 defendant shall not be entitled to a trial by jury.

15 * * *

16 Art. 4872. Transfer to district court

17 * * *

18 C. The provisions of this Article shall apply only to causes of action arising
19 from the operation or control of any motor vehicle, aircraft, watercraft, or other
20 means of conveyance.

21 * * *

22 Art. 4873.1. Transfer to district court; posting of jury bond

23 A. A party entitled to transfer the action to district court under the provisions
24 of Article 4872 may do so only if jury bond is posted pursuant to Articles 1773
25 through 1734.1 in the court where the jury is requested within fifteen days of the
26 court's order to transfer to district court.

27 B. If the party required to post the bond fails to do so as provided in
28 Paragraph A of this Article, the action shall be transferred back to the court of
29 limited jurisdiction where the action was originally filed.

1 Section 3. Code of Evidence Article 409 is hereby amended and reenacted to read
2 as follows:

3 Art. 409. Payment of medical and similar expenses

4 In a civil case, evidence of furnishing or offering or promising to pay
5 expenses or losses occasioned by an injury to person or damage to property is not
6 admissible to prove liability for the injury or damage ~~nor is it admissible to mitigate,~~
7 ~~reduce, or avoid liability therefor.~~ In all civil actions where damages for any medical
8 or hospital expenses are claimed and are legally recoverable for personal injury or
9 death, evidence that the plaintiff's medical or hospital expenses have been or will be
10 paid or reimbursed shall be admissible.

11 This Article does not require the exclusion of ~~such evidence~~ evidence of
12 furnishing or offering or promising to pay expenses or losses occasioned by an injury
13 to person or damage to property when it is offered solely for another purpose, such
14 as to enforce a contract for payment.

15 Section 4. R.S. 32:295.1(E) is hereby repealed in its entirety.

16 Section 5. This Act shall become effective on January 1, 2021, and shall have
17 prospective application only and shall not apply to a cause of action arising or action
18 pending prior to January 1, 2021.

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 57 Original

2020 First Extraordinary Session

Schexnayder

Abstract: Creates the Civil Justice Reform Act of 2020 which reduces the threshold for a jury trial, provides for the transfer of cases from courts of limited jurisdiction to district courts in accidents arising from the operation or control of a motor vehicle, provides for evidence of medical expense payments, and repeals the limitation on presenting evidence of the failure to wear a safety belt.

Proposed law creates the Civil Justice Reform Act of 2020.

Jury Trials

Present law (C.C.P. Art. 1732) authorizes a jury trial when the amount in controversy exceeds \$50,000.

Proposed law reduces the threshold for a jury trial to \$10,000.

Present law provides that where a principal demand is commenced in a parish or city court in which the defendant would otherwise be entitled to trial by jury, the defendant may obtain a jury trial by transferring the action to the district court in the manner provided by present law.

Proposed law limits present law to allow only for the transfer of causes of action arising from the operation or control of any motor vehicle, aircraft, watercraft, or other means of conveyance.

Proposed law provides that a party may transfer a cause of action only if jury bond is posted in the court where the jury is requested within 15 days of the court's order to transfer to district court, and if the party fails to do so, the action shall be transferred back to the court of limited jurisdiction where the action was originally filed.

Evidence of medical payments

Present law provides that in a civil case, evidence of furnishing or offering or promising to pay expenses or losses occasioned by an injury to person or damage to property is not admissible to prove liability for the injury or damage.

Proposed law retains present law.

Present law provides that evidence of furnishing or offering or promising to pay expenses or losses is not admissible to mitigate, reduce, or avoid liability therefor.

Proposed law repeals present law and provides that in all civil actions where damages for any medical or hospital expenses are claimed and are legally recoverable for personal injury or death, evidence that the plaintiff's medical or hospital expenses have been or will be paid or reimbursed shall be admissible.

Present law does not require the exclusion of evidence of furnishing or offering or promising to pay expenses or losses occasioned by an injury to person or damage to property when it is offered solely for another purpose, such as to enforce a contract for payment.

Proposed law retains present law.

Evidence of Failure to Wear a Safety Belt

Present law (R.S. 32:295.1(E)) provides that the failure to wear a safety belt in violation of present law shall not be admitted to mitigate damages in any action to recover damages arising out of the ownership, common maintenance, or operation of motor vehicle, and the failure to wear a safety belt in violation of present law shall not be considered evidence of comparative negligence.

Proposed law repeals present law.

Effective Date

Proposed law provides that the provisions of proposed law shall become effective on Jan. 1, 2021, and shall have prospective application only and shall not apply to a cause of action arising or action pending prior to Jan. 1, 2021.

(Amends C.C.P. Arts. 1732(1) and 4872 and C.E. Art. 409; Adds C.C.P. 4873.1; Repeals R.S. 32:295.1(E))