
HOUSE COMMITTEE AMENDMENTS

2020 First Extraordinary Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 66 by Representative Nelson

AMENDMENT NO. 1

On page 1, delete line 5 in its entirety and insert the following:

"1732(1) and 1761(A), Code of Evidence Article 411, and R.S. 22:1454(A), to enact Civil Code Article"

AMENDMENT NO. 2

On page 1, line 13, after "trials;" and before "the jury" delete "to eliminate" and insert "to provide relative to"

AMENDMENT NO. 3

On page 1, line 15, after "provide" and before "the right" delete "for establishing" and insert "relative to"

AMENDMENT NO. 4

On page 1, line 15, after "insurer;" and before "to provide" insert "to provide relative to certain insurance rating standards and methods;"

AMENDMENT NO. 5

On page 2, line 1, after "Articles" and before "and 1761(A)" change "1732" to "1732(1)"

AMENDMENT NO. 6

On page 2, delete lines 6 through 29 in their entirety and on page 3, delete lines 1 through 5 in their entirety and insert the following:

"(1) A suit, other than one brought pursuant to Chapter 3 of Title V of Book III of the Civil Code, where the amount of no individual petitioner's cause of action exceeds ~~fifty~~ thirty-five thousand dollars exclusive of interest and costs, except as follows:

(a) If an individual petitioner stipulates or otherwise judicially admits sixty days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed ~~fifty~~ thirty-five thousand dollars exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

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

(c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if, as a result of a compromise or dismissal of one or more claims or parties which occurs less than sixty days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed ~~fifty~~ thirty-five

1 thousand dollars exclusive of interest and costs, a defendant shall not be
 2 entitled to a trial by jury.
 3 * * *

4 AMENDMENT NO. 7

5 On page 4, line 29, after "paid" and before the comma "," insert "to a healthcare provider"

6 AMENDMENT NO. 8

7 On page 5, line 8, after "Section 6." and before "R.S. 22:1269(B)(3)" insert "R.S. 22:1454(A)
 8 is hereby amended and reenacted and"

9 AMENDMENT NO. 9

10 On page 5, between lines 19 and 20, insert the following:

11 §1454. Rating standards and methods
 12 A. Rates shall not be inadequate or unfairly discriminatory in a
 13 competitive market. Rates shall not be excessive, inadequate, or unfairly
 14 discriminatory in a noncompetitive market. Risks may be classified using
 15 any criteria except that no risk shall be classified on the basis of race, gender
 16 of an insured over the age of twenty-five, color, creed, or national origin.
 17 * * *

18 AMENDMENT NO. 10

19 On page 6, line 22, after "Articles" and before "and 1761(A)" change "1732" to "1732(1)"

20 AMENDMENT NO. 11

21 On page 6, delete lines 26 through 29 in their entirety and on page 7, delete lines 1 through
 22 25 in their entirety and insert the following:

23 "(1) A suit, ~~other than one brought pursuant to Chapter 3 of Title V~~
 24 ~~of Book III of the Civil Code~~, where the amount of no individual petitioner's
 25 cause of action exceeds ~~thirty-five~~ fifty thousand dollars exclusive of interest
 26 and costs, except as follows:
 27 (a) If an individual petitioner stipulates or otherwise judicially admits
 28 sixty days or more prior to trial that the amount of the individual petitioner's
 29 cause of action does not exceed ~~thirty-five~~ fifty thousand dollars exclusive
 30 of interest and costs, a defendant shall not be entitled to a trial by jury.
 31 (b) If an individual petitioner stipulates or otherwise judicially
 32 admits for the first time less than sixty days prior to trial that the amount of
 33 the individual petitioner's cause of action does not exceed ~~thirty-five~~ fifty
 34 thousand dollars exclusive of interest and costs, any other party may retain
 35 the right to a trial by jury if that party is entitled to a trial by jury pursuant to
 36 this Article and has otherwise complied with the procedural requirements for
 37 obtaining a trial by jury.
 38 (c) Notwithstanding Subsubparagraphs (a) and (b) of this
 39 Subparagraph, if, as a result of a compromise or dismissal of one or more
 40 claims or parties which occurs less than sixty days prior to trial, an individual
 41 petitioner stipulates or otherwise judicially admits that the amount of the
 42 individual petitioner's cause of action does not exceed ~~thirty-five~~ fifty
 43 thousand dollars exclusive of interest and costs, a defendant shall not be
 44 entitled to a trial by jury."

1 AMENDMENT NO. 12

2 On page 8, between lines 13 and 14, insert the following:

3 "Section 11. R.S. 22:1454(A) is hereby amended and reenacted to read as
4 follows:

5 §1454. Rating standards and methods
6 A. Rates shall not be inadequate or unfairly discriminatory in a
7 competitive market. Rates shall not be excessive, inadequate, or unfairly
8 discriminatory in a noncompetitive market. Risks may be classified using
9 any criteria except that no risk shall be classified on the basis of race, ~~gender~~
10 ~~of an insured over the age of twenty-five~~, color, creed, or national origin.
11 * * *

12 AMENDMENT NO. 13

13 On page 8, at the beginning of line 14, change "Section 11." to "Section 12."

14 AMENDMENT NO. 14

15 On page 8, between lines 15 and 16, insert the following:

16 "Section 13. (A) On April 1 of each year through 2024, the commissioner of
17 insurance shall report annually to the Legislature the rate change of the statewide
18 average private passenger automobile written premium for minimum limits from
19 April 1 of the prior year.
20 (B) On August 1, 2023, the commissioner of insurance shall report to the
21 legislature the rate change of the statewide average private passenger automobile
22 written premium for minimum limits from January 1, 2020.
23 (C) In calculating the rate change as provided in Subsections A and B of this
24 Section, the commissioner of insurance shall include a measure of inflation which
25 is based on any increase or decrease in medical expenses, wages, property damage
26 expenses, and relevant costs and expenses over the reporting period commencing on
27 April 1 of the prior year."

28 AMENDMENT NO. 15

29 On page 8, at the beginning of line 16, change "Section 12.(A)" to "Section 14.(A)"

30 AMENDMENT NO. 16

31 On page 8, line 16, after "7" and before "of this" insert "and 13"

32 AMENDMENT NO. 17

33 On page 8, line 18, after "Section" and before "of this" change "3" to "2"

34 AMENDMENT NO. 18

35 On page 8, delete lines 21 through 24 in their entirety and insert the following:

36 "(C) The provisions of Sections 8 through 12 of this Act are effective August
37 1, 2023, if no report required to be submitted on or before August 1, 2023, by the
38 commissioner of insurance pursuant to Section 13 of this Act reflects that the
39 statewide average private passenger automobile written premium for minimum limits
40 decreased by at least fifteen percent compared to the average private passenger
41 automobile written premium for minimum limits on January 1, 2020."