

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 57****2020 First Extraordinary Session****Schexnayder**

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

Synopsis of Senate Amendments

1. Removes provisions relative to the admissibility and relevancy of evidence of the payment of medical or similar expenses.
2. Adds provisions relative to the admissibility of the existence of insurance coverage.

Digest of Bill as Finally Passed by SenateProposed 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 when 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 (C.C.P. Art. 4873).Proposed law retains present law and provides that if a party fails to file a motion to transfer within the delays provided by present law, the matter shall not be transferred.Proposed law further provides that a jury trial shall not be available for non-tort suits originally filed in parish or city court when the amount in controversy does not exceed the parish or city court's jurisdictional limit.**Evidence of Liability Insurance**Present law (C.E. 411) provides that although a policy of insurance may be admissible as evidence, the amount of coverage under the policy shall not be communicated to the jury unless the amount of coverage is a disputed issue which the jury will decide.Proposed law retains present law and provides that existence of insurance coverage shall not be communicated to the jury unless one of the following applies:

- (1) A factual dispute related to an issue of coverage is an issue which the jury will decide.
- (2) The existence of insurance coverage would be admissible pursuant to the Federal Rules of Evidence.
- (3) The cause of action is brought pursuant to R.S. 22:1269(B)(1).

Evidence of Failure to Wear a Safety BeltPresent 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 from or action pending prior to Jan. 1, 2021.

(Amends C.C.P. Arts. 1732 and 4873(1) and C.E. Art. 411; Repeals R.S. 32:295.1(E))