

SENATE COMMITTEE AMENDMENTS

2020 First Extraordinary Session

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 66 by Representative Nelson

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 10 and insert the following:
 3 "To amend and reenact Civil Code Articles 3492 and 3493.10, Code of Civil
 4 Procedure Articles 1732, 1761(A), and 4871(1), Code of Evidence Article 411, and
 5 R.S. 22:1454(A), to enact Civil Code Article 2323(D), Code of Civil Procedure
 6 Article 1733(D), R.S. 9:2800.27, and R.S. 22:1269(B)(3) and (4), and to repeal Civil
 7 Code Article 2323(D), Code of Civil Procedure Article 1733(D), R.S."

8 AMENDMENT NO. 2

9 On page 2, delete line 4, and insert "Section 2. Code of Civil Procedure Articles 1732,
 10 1761(A), and 4871(1) are hereby"

11 AMENDMENT NO. 3

12 On page 2, delete lines 9 through 28 and insert the following:

13 "(1) A suit where the amount of no individual petitioner's cause of action
 14 exceeds fifty ten thousand dollars exclusive of interest and costs, except as follows:
 15 (a) If an individual petitioner stipulates or otherwise judicially admits sixty
 16 days or more prior to trial that the amount of the individual petitioner's cause of
 17 action does not exceed fifty ten thousand dollars exclusive of interest and costs, a
 18 defendant shall not be entitled to a trial by jury.
 19 (b) If an individual petitioner stipulates or otherwise judicially admits for the
 20 first time less than sixty days prior to trial that the amount of the individual
 21 petitioner's cause of action does not exceed fifty ten thousand dollars exclusive of
 22 interest and costs, any other party may retain the right to a trial by jury if that party
 23 is entitled to a trial by jury pursuant to this Article and has otherwise complied with
 24 the procedural requirements for obtaining a trial by jury.
 25 (c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if,
 26 as a result of a compromise or dismissal of one or more claims or parties which
 27 occurs less than sixty days prior to trial, an individual petitioner stipulates or
 28 otherwise judicially admits that the amount of the individual petitioner's cause of
 29 action does not exceed fifty ten thousand dollars exclusive of interest and costs, a
 30 defendant shall not be entitled to a trial by jury.
 31 (2)(a) A suit commenced in a parish or city court, wherein the individual
 32 petitioner stipulates or otherwise judicially admits that the amount of the individual
 33 petitioner's cause of action does not exceed the amount in dispute to which the
 34 jurisdiction of the court is limited by Articles 4842 and 4843, exclusive of interest,
 35 penalties, attorney fees, and costs.
 36 (b) The provisions of this Paragraph shall not apply to delictual or quasi-
 37 delictual actions, which shall be governed by the provisions of Paragraph (1) of this
 38 Article.
 39 (3) A suit on an unconditional obligation to pay a specific sum of money,
 40 unless the defense thereto is forgery, fraud, error, want, or failure of consideration.
 41 ~~(3)~~ (4) A summary, executory, probate, partition, mandamus, habeas corpus,
 42 quo warranto, injunction, concursus, workers' compensation, emancipation,
 43 tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce
 44 proceeding.
 45 ~~(4)~~ (5) A proceeding to determine custody, visitation, alimony, or child
 46 support.
 47 ~~(5)~~ (6) A proceeding to review an action by an administrative or municipal
 48 body.

1 (6) (7) All cases where a jury trial is specifically denied by law."

2 AMENDMENT NO. 4

3 On page 3, between lines 12 and 13, insert the following:

4 "Art. 4873. Transfer to district court; procedure; contest; effect
5 A party entitled thereto under the provisions of Article 4872 may transfer the
6 action to the district court in the following manner:

7 (1) Within the delay allowed for answer in the trial court of the limited
8 jurisdiction, or within ten days after answer has been filed, he shall file a motion to
9 transfer with the clerk of the court in which the suit is pending. The motion shall
10 include a declaration that the matter is one to which defendant would have been
11 entitled to trial by jury if commenced in district court, and that defendant desires trial
12 by jury. If a party fails to file a motion to transfer within the delays required by this
13 Paragraph, the matter shall not be transferred.

14 * * *"

15 AMENDMENT NO. 5

16 On page 3, delete lines 13 and 14, and insert "Section 3. Civil Code Articles 3492 and
17 3493.10 are hereby amended and reenacted and Civil"

18 AMENDMENT NO. 6

19 On page 3, delete lines 23 through 27, and insert the following:

20 "Art. 3492. Delictual actions
21 ~~Delictual actions~~ Except as provided in Civil Code Article 3493.10, delictual
22 actions are subject to a liberative prescription of one year. This prescription
23 commences to run from the day injury or damage is sustained. It does not run against
24 minors or interdicts in actions involving permanent disability and brought pursuant
25 to the Louisiana Products Liability Act or state law governing product liability
26 actions in effect at the time of the injury or damage.

27 * * *

28 Art. 3493.10. Delictual actions; two-year prescription; criminal act
29 Delictual actions for injury or damage arising from the operation or control
30 of any motor vehicle, aircraft, watercraft, or other means of conveyance, or those
31 which arise due to damages sustained as a result of an act defined as a crime of
32 violence under Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950,
33 except as provided in Article 3496.2, are subject to a liberative"

34 AMENDMENT NO. 7

35 On page 4, delete lines 4 through 6

36 AMENDMENT NO. 8

37 On page 4, delete lines 23 through 29, and insert the following:

38 "B. Any party receiving a discount or write-down to billed medical expenses
39 as a result of an insurance contract may be reimbursed for the premiums paid by the
40 party or their immediate family to obtain such insurance from the date of injury
41 through the duration of treatment or one year, whichever is less. Such premiums may
42 be introduced into evidence for this purpose. However, any recovery for past
43 premiums shall not exceed the amount written down or discounted from billed
44 medical expenses as a result of the insurance contract."

45 AMENDMENT NO. 9

46 On page 5, delete lines 21 through 26 and insert the following:

1 "Section 7. Civil Code Articles 3492 ad 3493.10 are hereby amended and
2 reenacted to read as follows:"

3 AMENDMENT NO. 10

4 On page 6, delete lines 1 through 17, and insert the following:

5 "Art. 3492. Delictual actions
6 Delictual actions ~~Except as provided in Civil Code Article 3493.10, delictual~~
7 actions are subject to a liberative prescription of one year. This prescription
8 commences to run from the day injury or damage is sustained. It does not run against
9 minors or interdicts in actions involving permanent disability and brought pursuant
10 to the Louisiana Products Liability Act or state law governing product liability
11 actions in effect at the time of the injury or damage.

12 * * *

13 Art. 3493.10. Delictual actions; two-year prescription; criminal act
14 Delictual actions ~~for injury or damage arising from the operation or control~~
15 ~~of any motor vehicle, aircraft, watercraft, or other means of conveyance, or those~~
16 which arise due to damages sustained as a result of an act defined as a crime of
17 violence under Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950,
18 except as provided in Article 3496.2, are subject to a liberative"

19 AMENDMENT NO. 11

20 On page 7, delete line 1 and insert "Section 8. Code of Civil Procedure Articles 1732,
21 1761(A), and 4873(1) are hereby"

22 AMENDMENT NO. 12

23 On page 7, delete lines 5 through 25 and insert the following:

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

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

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

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

42 (2)(a) ~~A suit commenced in a parish or city court, wherein the individual~~
43 ~~petitioner stipulates or otherwise judicially admits that the amount of the individual~~
44 ~~petitioner's cause of action does not exceed the amount in dispute to which the~~
45 ~~jurisdiction of the court is limited by Articles 4842 and 4843, exclusive of interest,~~
46 ~~penalties, attorney fees, and costs.~~

47 (b) ~~The provisions of this Paragraph shall not apply to delictual or quasi-~~
48 ~~delictual actions, which shall be governed by the provisions of Paragraph (1) of this~~
49 ~~Article.~~

50 (3) A suit on an unconditional obligation to pay a specific sum of money,
51 unless the defense thereto is forgery, fraud, error, want, or failure of consideration.

52 (4) (3) A summary, executory, probate, partition, mandamus, habeas corpus,
53 quo warranto, injunction, concursus, workers' compensation, emancipation,

1 tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce
2 proceeding.

3 ~~(5)~~ (4) A proceeding to determine custody, visitation, alimony, or child
4 support.

5 ~~(6)~~ (5) A proceeding to review an action by an administrative or municipal
6 body.

7 ~~(7)~~ (6) All cases where a jury trial is specifically denied by law."

8 AMENDMENT NO. 13

9 On page 8, between lines 3 and 4, insert the following:

10 "Art. 4873. Transfer to district court; procedure; contest; effect
11 A party entitled thereto under the provisions of Article 4872 may transfer the
12 action to the district court in the following manner:

13 (1) Within the delay allowed for answer in the trial court of the limited
14 jurisdiction, or within ten days after answer has been filed, he shall file a motion to
15 transfer with the clerk of the court in which the suit is pending. The motion shall
16 include a declaration that the matter is one to which defendant would have been
17 entitled to trial by jury if commenced in district court, and that defendant desires trial
18 by jury. ~~If a party fails to file a motion to transfer within the delays required by this
19 Paragraph, the matter shall not be transferred.~~

20 * * *

21 AMENDMENT NO. 14

22 On page 8, line 4, change "Section 10." to "Section 9."

23 AMENDMENT NO. 15

24 On page 8, line 14, change "Section 11." to "Section 10."

25 AMENDMENT NO. 16

26 On page 8, line 22, change "Section 12." to "Section 11."

27 AMENDMENT NO. 17

28 On page 8, line 24, change "Section 13." to "Section 12."

29 AMENDMENT NO. 18

30 On page 9, delete lines 1 through 3, and on line 4, change "(C)" to "(B)"

31 AMENDMENT NO. 19

32 On page 9, delete lines 9 and 10, and insert "Section 13. (A) This Section and Sections 1
33 through 6 and 12 of this Act are effective January 1, 2021."

34 AMENDMENT NO. 20

35 On page 9, delete line 14 and insert "(C) The provisions of Section 7 through 11 of this Act
36 are effective August 1, 2024,"

37 AMENDMENT NO. 21

38 On page 9 line 15, change "August 1, 2023," to "April 1, 2024,"

39 AMENDMENT NO. 22

40 On page 9, line 16, change "Section 13" to "Section 12"

1 AMENDMENT NO. 23

2 On page 9, line 18, between "percent" and "compared" insert ", adjusted for inflation,"