

**SENATE COMMITTEE AMENDMENTS**

2020 First Extraordinary Session

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

AMENDMENT NO. 1

On page 1, delete lines 2 through 10 and insert the following:

"To amend and reenact Civil Code Articles 3492 and 3493.10, Code of Civil Procedure Articles 1732, 1761(A), and 4871(1), Code of Evidence Article 411, and R.S. 22:1454(A), to enact Civil Code Article 2323(D), Code of Civil Procedure Article 1733(D), R.S. 9:2800.27, and R.S. 22:1269(B)(3) and (4), and to repeal Civil Code Article 2323(D), Code of Civil Procedure Article 1733(D), R.S."

AMENDMENT NO. 2

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

AMENDMENT NO. 3

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

"(1) A suit where the amount of no individual petitioner's cause of action exceeds fifty ten 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 ten 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 ten 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 ten thousand dollars exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

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

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

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

~~(3)~~ (4) A summary, executory, probate, partition, mandamus, habeas corpus, quo warranto, injunction, concursus, workers' compensation, emancipation, tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce proceeding.

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

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



1 AMENDMENT NO. 9

2 On page 5, delete lines 21 through 26 and insert the following:  
3 "Section 7. Civil Code Articles 3492 ad 3493.10 are hereby amended and  
4 reenacted to read as follows:"

5 AMENDMENT NO. 10

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

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

14 \* \* \*

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

21 AMENDMENT NO. 11

22 On page 7, delete line 1 and insert "Section 8. Code of Civil Procedure Articles 1732,  
23 1761(A), and 4873(1) are hereby"

24 AMENDMENT NO. 12

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

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

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

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

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

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

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

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



1 AMENDMENT NO. 22

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

3 AMENDMENT NO. 23

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