The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 402 Original | 2022 Regular Session | Abraham

Present law provides for the appointment of a special master in any civil action wherein complicated legal or factual issues are presented or wherein exceptional circumstances of the case warrant such appointment upon consent of all parties.

Present law provides that for causes of action arising from a disaster within a parish declared by the president of the United States to be subject to a major disaster declaration under federal law and certified for individual assistance in accordance with the provisions of federal rules, the judges with civil jurisdiction in any court of competent jurisdiction may en banc appoint one or more special masters for all causes of action related to first-party insurance property damage claims.

Present law authorizes any special master appointed pursuant to present law to waive the appointment.

Proposed law limits present law appointment waiver to special masters appointed to serve in a major disaster area.

Present law further requires orders initially issued pursuant to present law after January 1, 2022, to provide for an opt-out upon request of any party.

Proposed law extends the deadline provided for in present law from January 1, 2022, to July 1, 2022.

Proposed law requires that notwithstanding any provision of present law to the contrary, any order issued pursuant to present law be applicable to the successor in interest to any party subject to the order, including any guaranty association, in the same manner as originally applicable to the insured or insurer.

Proposed law requires that any delays permitted for insolvent insurers under present law not be construed to delay compliance with an order issued pursuant to present law and proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:4165(F)(7); adds R.S. 13:4165(F)(9) and (10))