

2023 Regular Session

HOUSE BILL NO. 339

BY REPRESENTATIVE GREGORY MILLER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EVIDENCE: Provides relative to motions for summary judgment

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AN ACT

To amend and reenact Code of Civil Procedure Article 966(G), relative to motions for summary judgment; to provide relative to the admission of evidence; to provide relative to fault; to provide for the admission of evidence of a principal acting pursuant to a mandate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 966(G) is hereby amended and reenacted to read as follows:

Art. 966. Motion for summary judgment; procedure

* * *

G. When the court ~~grants a motion for~~ renders summary judgment in accordance with the provisions of this Article; that a party or ~~non-party~~ nonparty is not negligent, is not at fault, or did not cause in whole or in part the injury or harm alleged, that party or ~~non-party~~ nonparty shall not be considered in any subsequent allocation of fault. Evidence shall not be admitted at trial to establish the fault of that party or ~~non-party~~ nonparty except that evidence may be admitted to establish the fault of a principal when the party or nonparty acted pursuant to a mandate. During the course of the trial, no party or person shall refer directly or indirectly to any such fault, nor shall that party or ~~non-party's~~ nonparty's fault be submitted to the jury or

1 included on the jury verdict form except where evidence is admitted of the party or
 2 nonparty for purposes of establishing the fault of the party or nonparty's principal.
 3 This Paragraph does not apply if the trial or appellate court's judgment rendered in
 4 accordance with this Article is reversed. If the judgment is reversed by an appellate
 5 court, the reversal is applicable to all parties.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 339 Engrossed

2023 Regular Session

Gregory Miller

Abstract: Provides relative to the admission of evidence at trial for the fault of a principal pursuant to a mandate.

Present law provides relative to motions for summary judgment.

Present law provides that when a court grants a motion for summary judgment that a party or nonparty is not negligent, is not at fault, or did not cause the injury or harm alleged, the party or nonparty shall not be considered in any subsequent allocation of fault.

Present law provides that evidence shall not be admitted at trial, submitted to the jury, or included on the jury verdict form to establish fault of the party.

Proposed law provides for the admission of evidence to establish the fault of a principal when the party or nonparty acted pursuant to a mandate.

Proposed law provides that proposed law does not apply if the judgment of an appellate court is reversed.

(Amends C.C.P. Art. 966(G))