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## DIGEST

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### CONFERENCE COMMITTEE REPORT DIGEST

HB 339

2023 Regular Session

Gregory Miller

#### Keyword and oneliner of the instrument as it left the House

EVIDENCE: Provides relative to motions for summary judgment

#### Report rejects Senate amendments which would have:

1. Made semantic changes to restore present law.

#### Report amends the bill to:

1. Provide for semantic changes with respect to rendering judgment.
2. Extend proposed law to procurations.
3. Provide that in the case of conflict between proposed law and any other Act of the 2023 Regular Session of the Legislature, the provisions of proposed law shall supersede.

#### Digest of the bill as proposed by the Conference Committee

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 or a procuration.

Present law (C.C. Art. 2989) defines mandate as a contract by which a person, the principal, confers

authority on another person, the mandatary, to transact one or more affairs for the principal.

Present law (C.C. Art. 2987) defines procuration as a unilateral juridical act by which a person, the principal, confers authority on another person, the representative, to represent the principal in legal relations.

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

Proposed law provides that in the case of conflict between proposed law and any other Act of the 2023 Regular Session of the Legislature, proposed law shall supersede and control regardless of order of passage.

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