

ACT No. 368

2023 Regular Session

HOUSE BILL NO. 339

BY REPRESENTATIVE GREGORY MILLER

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

9 Art. 966. Motion for summary judgment; procedure

10 * * *

11 G. When the court ~~grants a motion for~~ renders summary judgment in
12 accordance with the provisions of this Article; that a party or ~~non-party~~ nonparty is
13 not negligent, is not at fault, or did not cause in whole or in part the injury or harm
14 alleged, that party or ~~non-party~~ nonparty shall not be considered in any subsequent
15 allocation of fault. Evidence shall not be admitted at trial to establish the fault of that
16 party or ~~non-party~~ nonparty except that evidence may be admitted to establish the
17 fault of a principal when the party or nonparty acted pursuant to a mandate or
18 procuration. During the course of the trial, no party or person shall refer directly or
19 indirectly to any such fault, nor shall that party or ~~non-party's~~ nonparty's fault be
20 submitted to the jury or included on the jury verdict form except where evidence is
21 admitted of the acts of the party or nonparty for purposes of establishing the fault of

1 the party or nonparty's principal. This Paragraph does not apply if the trial or
 2 appellate court's judgment rendered in accordance with this Article is reversed. If
 3 the judgment is reversed by an appellate court, the reversal is applicable to all
 4 parties.

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6 Section 2. In the case of any conflict between the provisions of this Act and the
 7 provisions of any other Act of the 2023 Regular Session of the Legislature, the provisions
 8 of this Act shall supersede and control regardless of the order of passage.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____