

2024 Regular Session

SENATE BILL NO. 172

BY SENATOR BASS

CIVIL PROCEDURE. Provides for limitation of recovery for soft tissue injury claims.
(8/1/24)

1 AN ACT

2 To enact Civil Code Art. 2315.12, relative to damages; to provide relative to civil actions;
3 to provide with respect to soft tissue injury claims; to provide relative to limitation
4 of recovery; to provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Art. 2315.12 is hereby enacted to read as follows:

7 **Art. 2315.12. Liability for damages; soft tissue injury**

8 **A. The total liability in general damages of a tortfeasor for a negligent**
9 **act that occurs on and after August 1, 2024, that causes soft tissue injury to a**
10 **person shall not exceed twenty-five thousand dollars, including all claims and**
11 **derivative claims, and regardless of the number of suits filed or claims made for**
12 **the personal injury to that person.**

13 **B. The limitation in Paragraph A of this Article shall not include any**
14 **specific damages including property damage, medical care and related benefits,**
15 **and loss of earnings or support and loss of future earnings or support.**

16 **C. The limitation in Paragraph A of this Article shall not include any**
17 **exemplary damages.**

D. As used in this Article, the following terms shall have the following**meaning:**

(1) "Derivative claims" include but are not limited to claims for survival or loss of consortium.

(2) "Loss of earnings" and "loss of support" means any form of economic loss sustained by the claimant as a result of the injury.

(3) "Loss of future earnings" and "loss of future support" means any form of economic loss which the claimant will sustain in the future as a result of the injury which forms the basis of the claim.

(4) "Medical care and related benefits" means all reasonable medical, surgical, hospitalization, physical rehabilitation, and custodial services, including drugs, devices, and other similar materials reasonably necessary in the provision of such services.

(5) "Soft tissue injury" means trauma to muscles, tendons, or ligaments, or other fibrous tissues.

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

DIGEST

SB 172 Original

2024 Regular Session

Bass

Proposed law provides that the total liability in general damages of a tortfeasor for a negligent act that occurs on and after August 1, 2024, that causes of soft tissue injury to a person shall not exceed \$25,000, including all claims and derivative claims, and regardless of the number of suits filed or claims made for the personal injury to that person.

Proposed law provides that the limitation in of proposed law shall not include any specific damages including property damage, medical care and related benefits, and loss of earnings or support and loss of future earnings or support.

Proposed law provides that the limitation in proposed law shall not include any exemplary damages.

Proposed law provides the definition for the following terms: "derivative claims", "loss of earnings", "loss of support", "loss of future earnings", "loss of future support", "medical care and related benefits", and "soft tissue injury".

Effective August 1, 2024.

(Adds C.C. Art. 2315.12)