

2024 Regular Session

HOUSE BILL NO. 24

BY REPRESENTATIVE MELERINE

EVIDENCE: Provides relative to evidentiary presumptions in personal injury claims

1 AN ACT

2 To enact Civil Code Article 2315.12, relative to the presumption of causation of injuries; to

3 prohibit a presumption of causation in certain circumstances; to provide for

4 prospective application; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 Art. 2315.12. Presumption of causation of injuries

8 The lack of a prior history of an illness, injury, or condition shall not create

9 a presumption that an illness, injury, or condition was caused by the act that is the

10 subject of the claim for personal injury.

11 Section 2. This provisions of this Act shall have prospective application only and

12 shall not apply to causes of action filed prior to the effective date of this Act.

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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)]

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**Abstract:** Eliminates the presumption of causation established by lack of prior history of an injury.

Proposed law provides that the lack of a prior history of an illness or injury shall not create a presumption that an illness or injury was caused by the act that is the subject of the claim.

Proposed law applies prospectively to causes of action filed on or after the effective date of this Act.

(Adds C.C. Art. 2315.12)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Remove the exception that Louisiana Workers' Compensation Law does not apply to the provisions of proposed law.