
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Morrish (SB 306)

Proposed law provides relative to civil actions arising from a vehicular accident.

Present law provides that delictual actions are subject to a liberative prescription of one year.

Proposed law provides that delictual actions which arise from damages sustained as a result of a vehicular accident are subject to a liberative prescription of two years. Proposed law provides that prescription provided for in proposed law commences to run from the day injury or damage is sustained.

Present law provides that a trial by jury shall not be available in the following civil cases:

- (1) A suit on an unconditional obligation to pay a specific sum of money, unless the defense thereto is forgery, fraud, error, want, or failure of consideration.
- (2) A summary, executory, probate, partition, mandamus, habeas corpus, quo warranto, injunction, concursus, workers' compensation, emancipation, tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce proceeding.
- (3) A proceeding to determine custody, visitation, alimony, or child support.
- (4) A proceeding to review an action by an administrative or municipal body.
- (5) All cases where a jury trial is specifically denied by law.

Proposed law retains present law.

Present law further provides that in a suit where the amount of no individual petitioner's cause of action exceeds the threshold amount of \$50,000, no trial by jury shall be available, with the following exceptions:

- (1) If an individual petitioner stipulates or otherwise judicially admits 60 days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.
- (2) If an individual petitioner stipulates or otherwise judicially admits for the first time less than 60 days prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, any other party may retain the

right to a trial by jury if that party is entitled to trial by jury pursuant to present law and has otherwise complied with the procedural requirements for obtaining a trial by jury.

- (3) Notwithstanding the exceptions noted in paragraphs (1) and (2) above, if, as a result of compromise or dismissal of one or more claims or parties which occurs less than 60 days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

Proposed law retains present law including the three exceptions, except for suits arising from a vehicular accident as follows:

- (1) On or after January 1, 2015, through December 31, 2015, no jury trial shall be available for a suit arising from a vehicular accident where the amount of no individual petitioner's cause of action exceeds \$40,000 exclusive of interest and costs. The three exceptions set forth in the present law shall be applicable, except the sum of \$40,000 instead of \$50,000 is to be used in the calculations to determine applicability.
- (2) On or after January 1, 2016, through December 31, 2016, no jury trial shall be available for a suit arising from a vehicular accident where the amount of no individual petitioner's cause of action exceeds \$30,000 exclusive of interest and costs. The three exceptions set forth in the present law shall be applicable, except the sum of \$30,000 instead of \$50,000 is to be used in the calculations to determine applicability.
- (3) On or after January 1, 2017, through December 31, 2017, no jury trial shall be available for a suit arising from a vehicular accident where the amount of no individual petitioner's cause of action exceeds \$20,000 exclusive of interest and costs. The three exceptions set forth in the present law shall be applicable, except the sum of \$20,000 instead of \$50,000 is to be used in the calculations to determine applicability.
- (4) On or after January 1, 2018, through December 31, 2018, no jury trial shall be available for a suit arising from a vehicular accident where the amount of no individual petitioner's cause of action exceeds \$10,000 exclusive of interest and costs. The three exceptions set forth in the present law shall be applicable, except the sum of \$10,000 instead of \$50,000 is to be used in the calculations to determine applicability.
- (5) On or after January 1, 2019, no jury trial shall be available for any suit arising from a vehicular accident.

Effective August 1, 2014.

(Amends C.C.P. Art. 1732; adds C.C. Art. 3493.11)