

2020 Regular Session

SENATE BILL NO. 247

BY SENATOR CONNICK

LIABILITY. Prohibits certain collateral source benefits from being claimed as set-offs of damages for civil liability purposes. (8/1/20)

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AN ACT

To enact Civil Code Art. 2324.3, relative to civil liability and damages; to provide relative to payments from collateral sources; to prohibit certain uses and effects; to provide certain requirements, prohibitions, and exceptions; to provide certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Art. 2324.3 is hereby enacted to read as follows:

Art. 2324.3. Payments from collateral sources; prohibitions

The amount of recovery of an injured plaintiff may not be reduced because of monies or reimbursement received by the plaintiff from sources independent of the procurement or contribution of the tortfeasor. Evidence of such monies or reimbursement shall not be admitted to mitigate, reduce, or avoid liability or damages of the tortfeasor. The limitations herein include monies or reimbursement received by the plaintiff gratuitously or from insurance when the plaintiff has a right to claim or has claimed payment. The limitations herein do not include monies or reimbursement received by the plaintiff when there was no consideration provided by the plaintiff for the

1 **benefit or the patrimony of the plaintiff was not diminished by the availability**
2 **of the benefit. The limitations herein also do not affect the contractual**
3 **subrogation rights of an insurer or healthcare provider seeking reimbursement.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 247 Original

2020 Regular Session

Connick

Proposed law, relative to civil liability and damages, provides that the plaintiff's amount of recovery may not be reduced because of monies or reimbursements received from sources independent of the procuration or contribution of the tortfeasor.

Proposed law provides that evidence of these monies shall not be admitted to mitigate, reduce, or avoid liability or damages of the tortfeasor.

Proposed law provides that such limitations include monies or reimbursement received by the plaintiff gratuitously or from insurance when the plaintiff has a right to claim or has claimed payment.

Proposed law further provides that such limitations do not include monies or reimbursement received by the plaintiff when there was no consideration provided by the plaintiff for the benefit or the patrimony of the plaintiff was not diminished by the availability of the benefit.

Proposed law also provides that such limitations do not affect the contractual subrogation rights of an insurer or healthcare provider seeking reimbursement.

Effective August 1, 2020.

(Adds C.C. Art. 2324.3)