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**SENATE FLOOR AMENDMENTS**

2020 Regular Session

Amendments proposed by Senator Ward to Engrossed Senate Bill No. 418 by Senator Talbot

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1 AMENDMENT NO. 1

2 On page 1, line 3, after "1732(1)" delete the remainder of the line and insert "and 1734(A),  
3 to enact Civil Code Art. 2324.3 and Code of Evidence Art. 416, and to repeal R.S."

4 AMENDMENT NO. 2

5 On page 1, line 6, after "accidents" delete the remainder of the line and delete line 7 and at  
6 the beginning of line 8, delete "collateral source"

7 AMENDMENT NO. 3

8 On page 1, delete lines 9 through 11 and insert "jury trial thresholds under certain  
9 circumstances; to authorize certain evidence concerning wearing of safety belts; to require  
10 certain annual rate filings with"

11 AMENDMENT NO. 4

12 On page 3, line 4, delete "Article 1732(1) is" and insert "Articles 1732(1) and 1734(A) are"

13 AMENDMENT NO. 5

14 On page 3, line 9, change "**five**" to "**thirty five**"

15 AMENDMENT NO. 6

16 On page 3, line 12, change "**five**" to "**thirty five**"

17 AMENDMENT NO. 7

18 On page 3, line 16, change "**five**" to "**thirty five**"

19 AMENDMENT NO. 8

20 On page 3, line 24, change "**five**" to "**thirty five**"

21 AMENDMENT NO. 9

22 On page 3, between line 26 and 27 insert the following:

23 "Art. 1734. Fixing the bond; calling the jury venire

24 A. Except as otherwise provided by R.S. 13:3105 et seq., when the case has been set  
25 for trial, the court shall fix the amount of the bond to cover all costs related to the trial by  
26 jury and shall fix the time for filing the bond, which shall be no later than ~~sixty days prior~~  
27 ~~to trial~~ **fifteen days after receipt of pleading demanding trial by jury and the demanding**  
28 **party shall file bond no later than thirty days thereafter.** Notice of the fixing of the bond  
29 shall be served on all parties. If the bond is not filed timely, any other party shall have an  
30 additional ten days to file the bond.

31 \* \* \*

32 AMENDMENT NO. 10

33 On page 3, line 27, delete "R.S. 9:2800.25" and insert "Civil Code Art. 2324.3"

1 AMENDMENT NO. 11

2 On page 3, delete lines 28 and 29 and insert the following:

3 **"Art. 2324.3. Payments from collateral sources; prohibitions**

4  
5 **The amount of recovery of an injured plaintiff may not be reduced**  
6 **because of monies or reimbursement received by the plaintiff from sources**  
7 **independent of the procurement or contribution of the tortfeasor. Evidence of**  
8 **such monies or reimbursement shall not be admitted to mitigate, reduce, or**  
9 **avoid liability or damages of the tortfeasor. The limitations herein include**  
10 **monies or reimbursement received by the plaintiff gratuitously or from**  
11 **insurance when the plaintiff has a right to claim or has claimed payment. The**  
12 **limitations herein do not include monies or reimbursement received by the**  
13 **plaintiff when there was no consideration provided by the plaintiff for the**  
14 **benefit or the patrimony of the plaintiff was not diminished by the availability**  
15 **of the benefit. The limitations herein also do not affect the contractual**  
16 **subrogation rights of an insurer or healthcare provider seeking**  
17 **reimbursement."**

18 AMENDMENT NO. 12

19 On page 4, delete the entire page

20 AMENDMENT NO. 13

21 On page 5, delete the entire page and insert the following:

22 "Section 5. Code of Evidence Article 416 is hereby enacted to read as follows:

23 **Art. 416. Wearing a safety belt**

24 **In any action to recover damages arising out of the ownership, common**  
25 **maintenance, or operation of a motor vehicle, failure to wear a safety belt in**  
26 **violation of law may be considered as evidence of comparative negligence. The**  
27 **admissibility of such evidence shall be determined by the court out of the**  
28 **hearing of the jury."**

29 AMENDMENT NO. 14

30 On page 6, delete lines 1 through 3