

2020 Regular Session

HOUSE BILL NO. 597

BY REPRESENTATIVES NELSON, ADAMS, AMEDEE, BACALA, BUTLER, CARRIER, CREWS, EDMONDS, EDMONSTON, FARNUM, FIRMENT, FREIBERG, FRIEMAN, GAROFALO, HARRIS, HENRY, HORTON, IVEY, MIKE JOHNSON, MACK, MCCORMICK, MCFARLAND, MIGUEZ, CHARLES OWEN, ROBERT OWEN, SCHAMERHORN, SEABAUGH, WHEAT, AND WRIGHT

EVIDENCE: Provides for evidence in personal injury claims

1 AN ACT

2 To enact Civil Code Article 2315.11, 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 2315.11 is hereby enacted to read as follows:

7 Art. 2315.11. Presumption of causation of injuries

8 In a claim for personal injury damages that is not raised pursuant to the  
9 Louisiana Workers' Compensation Law, the lack of a prior history of an illness or  
10 injury shall not create a presumption that an illness or injury was caused by the act  
11 that is the subject of the claim.

12 Section 2. This provisions of this Act shall have prospective application only and  
13 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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HB 597 Reengrossed

2020 Regular Session

Nelson

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

Proposed law provides that for a personal injury claim that is not raised pursuant to the La. Workers' Compensation Law, 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 the Act.

(Adds C.C. Art. 2315.11)

Summary of Amendments Adopted by House

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

1. Remove the word "medical" from the phrase "prior medical history".
2. Remove provisions relative to evidence of the force of impact.
3. Remove provisions relative to evidence of amounts received by a testifying healthcare provider.
4. Remove provisions relative to evidence of the failure to wear a safety belt.

The House Floor Amendments to the engrossed bill:

1. Provide for prospective application.