

HOUSE COMMITTEE AMENDMENTS

2020 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 418 by Senator Talbot

1 AMENDMENT NO. 1

2 On page 1, line 3, after "Article" change "1732(1)" to "1732"

3 AMENDMENT NO. 2

4 On page 1, at the beginning of line 4, delete "22:333(E) and R.S."

5 AMENDMENT NO. 3

6 On page 2, line 6, after "applicability" delete the remainder of the line and delete lines 7 and
7 8 in their entirety and at the beginning of line 9, delete "Vehicle Safety Responsibility Law
8 by" and insert "thus"

9 AMENDMENT NO. 4

10 On page 3, line 4, after "Article" change "1732(1)" to "1732"

11 AMENDMENT NO. 5

12 On page 3, delete lines 8 through 26 in their entirety and insert the following:

13 **"(1) A suit brought pursuant to the provisions of Chapter 3 of Title V of**
14 **Book III of the Civil Code, where the amount of no individual petitioner's cause**
15 **of action exceeds five thousand dollars exclusive of interest or costs.**

16 **(2) A suit, other than one brought pursuant to Chapter 3 of Title V of**
17 **Book III of the Civil Code, where the amount of no individual petitioner's cause of**
18 **action exceeds fifty ~~thirty-five~~ thousand dollars exclusive of interest and costs,**
19 **except as follows:**

20 (a) If an individual petitioner stipulates or otherwise judicially admits sixty
21 days or more prior to trial that the amount of the individual petitioner's cause of
22 action does not exceed fifty ~~thirty-five~~ thousand dollars exclusive of interest and
23 costs, a defendant shall not be entitled to a trial by jury.

24 (b) If an individual petitioner stipulates or otherwise judicially admits for the
25 first time less than sixty days prior to trial that the amount of the individual
26 petitioner's cause of action does not exceed fifty ~~thirty-five~~ thousand dollars
27 exclusive of interest and costs, any other party may retain the right to a trial by jury
28 if that party is entitled to a trial by jury pursuant to this Article and has otherwise
29 complied with the procedural requirements for obtaining a trial by jury.

30 (c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if,
31 as a result of a compromise or dismissal of one or more claims or parties which
32 occurs less than sixty days prior to trial, an individual petitioner stipulates or
33 otherwise judicially admits that the amount of the individual petitioner's cause of
34 action does not exceed fifty ~~thirty-five~~ thousand dollars exclusive of interest and
35 costs, a defendant shall not be entitled to a trial by jury.

36 ~~(2)~~ **(3)** A suit on an unconditional obligation to pay a specific sum of money,
37 unless the defense thereto is forgery, fraud, error, want, or failure of consideration.

38 ~~(3)~~ **(4)** A summary, executory, probate, partition, mandamus, habeas corpus,
39 quo warranto, injunction, concursus, workers' compensation, emancipation,
40 tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce
41 proceeding.

1 ~~(4)~~(5) A proceeding to determine custody, visitation, alimony, or child
2 support.

3 ~~(5)~~(6) A proceeding to review an action by an administrative or municipal
4 body.

5 ~~(6)~~(7) All cases where a jury trial is specifically denied by law."

6 AMENDMENT NO. 6

7 On page 4, line 9, after "**paid**" and before "**by the**" delete "**or are owed**"

8 AMENDMENT NO. 7

9 On page 4, line 15, after "**paid**" and before "**by the**" delete "**or owed**"

10 AMENDMENT NO. 8

11 On page 4, line 21, after "**concerning**" delete the remainder of the line and at the beginning
12 of line 22, delete "**contributed as of the date it**" and insert the following:

13 **"the following:**
14 **(1) Any amount which has been paid from the date of injury through the**
15 **date the court**"

16 AMENDMENT NO. 9

17 On page 4, between lines 24 and 25 insert the following:

18 **"(2) The amount the health insurance insurer would have paid if the**
19 **claimant's medical bills would have been submitted by the claimant to his health**
20 **insurance issuer or Medicare or Medicaid provider."**

21 AMENDMENT NO. 10

22 On page 5, delete lines 11 and 12 in their entirety

23 AMENDMENT NO. 11

24 On page 5, at the beginning of line 13 change "(d)" to "**(b)**"

25 AMENDMENT NO. 12

26 On page 5, at the beginning of line 16, change "(e)" to "**(c)**"

27 AMENDMENT NO. 13

28 On page 5, at the beginning of line 18, change "(f)" to "**(d)**"

29 AMENDMENT NO. 14

30 On page 5, between lines 18 and 19 insert the following:

31 **"(2)(a) In a direct action brought against the insurer pursuant to this**
32 **Subsection, the insured, and not the insurer, shall be the named party in the**
33 **caption."**

34 AMENDMENT NO. 15

35 On page 5, at the beginning of line 19, change "(2)" to "**(b)**"

1 AMENDMENT NO. 16

2 On page 5, at the end of line 22, delete "**against**" and at the beginning of line 23, delete "**the**
3 **insurer alone**"

4 AMENDMENT NO. 17

5 On page 5, line 24, after "**brought**" delete the remainder of the line and at the beginning of
6 line 25, delete "**insurer**" and insert "**against the insured**"

7 AMENDMENT NO. 18

8 On page 6, delete line 9 in its entirety and insert the following:

9 "Section 6. R.S. 32:295.1(E) is hereby repealed in its entirety."

10 AMENDMENT NO. 19

11 On page 6, delete lines 28 and 29 in their entirety and on page 7, delete lines 1 and 2 in their
12 entirety and insert the following:

13 "Section 9. This Act shall have prospective application only and shall not apply to
14 a cause of action pending prior to January 1, 2021."