
DIGEST

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HB 57 Engrossed

2020 First Extraordinary Session

Schexnayder

Abstract: Creates the Civil Justice Reform Act of 2020 which reduces the threshold for a jury trial, provides for the transfer of cases from courts of limited jurisdiction to district courts in accidents arising from the operation or control of a motor vehicle, provides for evidence of medical expense payments, and repeals the limitation on presenting evidence of the failure to wear a safety belt.

Proposed law creates the Civil Justice Reform Act of 2020.

Jury Trials

Present law (C.C.P. Art. 1732) authorizes a jury trial when the amount in controversy exceeds \$50,000.

Proposed law reduces the threshold for a jury trial to \$10,000.

Present law provides that where a principal demand is commenced in a parish or city court in which the defendant would otherwise be entitled to trial by jury, the defendant may obtain a jury trial by transferring the action to the district court in the manner provided by present law.

Proposed law limits present law to allow only for the transfer of causes of action arising from the operation or control of any motor vehicle, aircraft, watercraft, or other means of conveyance.

Proposed law provides that a party may transfer a cause of action only if jury bond is posted in the court where the jury is requested within 15 days of the court's order to transfer to district court, and if the party fails to do so, the action shall be transferred back to the court of limited jurisdiction where the action was originally filed.

Evidence of medical payments

Present law provides that in a civil case, evidence of furnishing or offering or promising to pay expenses or losses occasioned by an injury to person or damage to property is not admissible to prove liability for the injury or damage.

Proposed law retains present law.

Present law provides that evidence of furnishing or offering or promising to pay expenses or losses

is not admissible to mitigate, reduce, or avoid liability therefor.

Proposed law repeals present law and provides that in all civil actions where damages for any medical or hospital expenses are claimed and are legally recoverable for personal injury or death, evidence that the plaintiff's medical or hospital expenses have been or will be paid or reimbursed shall be admissible.

Present law does not require the exclusion of evidence of furnishing or offering or promising to pay expenses or losses occasioned by an injury to person or damage to property when it is offered solely for another purpose, such as to enforce a contract for payment.

Proposed law retains present law.

Evidence of Failure to Wear a Safety Belt

Present law (R.S. 32:295.1(E)) provides that the failure to wear a safety belt in violation of present law shall not be admitted to mitigate damages in any action to recover damages arising out of the ownership, common maintenance, or operation of motor vehicle, and the failure to wear a safety belt in violation of present law shall not be considered evidence of comparative negligence.

Proposed law repeals present law.

Effective Date

Proposed law provides that the provisions of proposed law shall become effective on Jan. 1, 2021, and shall have prospective application only and shall not apply to a cause of action arising or action pending prior to Jan. 1, 2021.

(Amends C.C.P. Arts. 1732(1) and 4872 and C.E. Art. 409; Adds C.C.P. 4873.1; Repeals R.S. 32:295.1(E))