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HOUSE FLOOR AMENDMENTS

2020 First Extraordinary Session

Amendments proposed by Representative Stefanski to Engrossed House Bill No. 57 by Representative Schexnayder

1 AMENDMENT NO. 1

2 Delete the set of House Floor Amendments by Representative Schexnayder (#238)

3 AMENDMENT NO. 2

4 On page 1, line 2, after "Procedure" and before "and Code" delete "Article 1731(1) and
5 4872" and insert "Articles 1732 and 4873(1)"

6 AMENDMENT NO. 3

7 On page 1, line 3, after "enact" and before the comma "," delete "Code of Civil Procedure
8 Article 4873.1" and insert "R.S. 13:3737"

9 AMENDMENT NO. 4

10 On page 1, delete lines 12 through 14 in their entirety and insert the following:

11 "Section 2. Code of Civil Procedure Articles 1732 and 4873(1) are hereby
12 amended and reenacted to read as follows:"

13 AMENDMENT NO. 5

14 On page 2, delete lines 15 through 29 in their entirety and insert the following:

15 "(2)(a) A suit commenced in a parish or city court, wherein the individual
16 petitioner stipulates or otherwise judicially admits that the amount of the individual
17 petitioner's cause of action does not exceed the amount in dispute to which the
18 jurisdiction of the court is limited by Articles 4842 and 4843, exclusive of interest,
19 penalties, attorney fees, and costs.

20 (b) The provisions of this Paragraph shall not apply to delictual actions,
21 which shall be governed by the provisions of Paragraph (1) of this Article.

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

24 ~~(3)~~ (4) A summary, executory, probate, partition, mandamus, habeas corpus,
25 quo warranto, injunction, concursus, workers' compensation, emancipation,
26 tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce
27 proceeding.

28 ~~(4)~~ (5) A proceeding to determine custody, visitation, alimony, or child
29 support.

30 ~~(5)~~ (6) A proceeding to review an action by an administrative or municipal
31 body.

32 ~~(6)~~ (7) All cases where a jury trial is specifically denied by law.

* * *

34 Art. 4873. Transfer to district court; procedure; contest; effect

35 A party entitled thereto under the provisions of Article 4872 may transfer the
36 action to the district court in the following manner:

1 (1) Within the delay allowed for answer in the trial court of the limited
2 jurisdiction, or within ten days after answer has been filed, he shall file a motion to
3 transfer with the clerk of the court in which the suit is pending. The motion shall
4 include a declaration that the matter is one to which defendant would have been
5 entitled to trial by jury if commenced in district court, and that defendant desires trial
6 by jury. If a party fails to file a motion to transfer within the delays required by this
7 Paragraph, the matter shall not be transferred.
8 * * *

9 AMENDMENT NO. 6

10 On page 3, line 10, after "reimbursed" delete the remainder of the line and insert the
11 following:

12 "and any agreement to pay shall be admissible. The trier of fact may use such
13 evidence to determine, mitigate, or reduce the amount of damages."

14 AMENDMENT NO. 7

15 On page 3, between lines 14 and 15, insert the following:

16 "Section 4. R.S. 13:3737 is hereby enacted to read as follows:
17 §3737. Evidence of medical payments
18 In any claim for medical expenses, the court shall allow the introduction of
19 all admissible evidence, in accordance with Code of Evidence Article 409, and such
20 evidence shall be considered by the trier of fact in calculating damages."

21 AMENDMENT NO. 8

22 On page 3, at the beginning of line 15, change "Section 4." to "Section 5."

23 AMENDMENT NO. 9

24 On page 3, at the beginning of line 16, change "Section 5." to "Section 6."