
DIGEST

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HB 57 Reengrossed

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, 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 retains present law and provides that if a party fails to file a motion to transfer within the delays provided by present law, the matter shall not be transferred.

Proposed law further provides that a jury trial shall not be available for non-tort suits originally filed in parish or city court when the amount in controversy does not exceed the parish or city court's jurisdictional limit.

Evidence of Medical Payments

Present law (C.E. 409) 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 and any agreement to pay shall be admissible. Proposed law further provides that the trier of fact may use such evidence to determine, mitigate, or reduce the amount of damages.

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.

Proposed law (R.S. 13:3737) provides that in a claim for medical expenses, the court shall allow the introduction of all admissible evidence and such evidence shall be considered by the trier of fact in calculating damages.

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 and 4873(1) and C.E. Art. 409; Adds R.S. 13:3737; Repeals R.S. 32:295.1(E))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove provisions prohibiting the transfer of non-tort suits and requiring the posting of the jury bond.
2. Prohibit a jury trial for suits originally filed in parish or city court, except for tort suits, when the amount in controversy does not exceed the parish or city court's jurisdictional limit.
3. Provide that if a party fails to file a motion to transfer from a parish or city court to district court within the delays provided by law, the matter shall not be transferred.
4. Add that evidence of an agreement to pay medical expenses shall be admissible and provide that the trier of fact may use such evidence to determine, mitigate, or reduce the amount of damages.
5. Add that in a claim for medical expenses, the court shall allow the introduction of all admissible evidence of the payment of medical expenses and that such evidence shall be considered in calculating damages.
6. Make technical changes.