

RÉSUMÉ DIGEST

HB 597

2020 Regular Session

Nelson

Proposed law would have provided that notwithstanding other provisions of law, 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, injury, or condition shall not create a presumption that an illness, injury, or condition was caused by the act that is the subject of the claim.

Proposed law would have applied prospectively to causes of action filed on or after the effective date of proposed law.

(Proposed to add C.C. Art. 2315.11)

VETO MESSAGE:

"Please be advised that I have vetoed House Bill 597 of the 2020 Regular Session.

The intent of House Bill 597 is to overrule the 1991 Louisiana Supreme Court decision of *Housley v. Cerise*, 593 So.2d 937 (1991). This case established a presumption of causation of an injury if a party can prove that, before an accident, he or she was in good health, but that after the accident, symptoms of an injury appear and continuously manifest themselves. This presumption is simply an equitable rule that provides for a common sense way for a judge or jury to determine if an injury was caused by an accident. The rule does not relieve the party from proving that an injury occurred or that the defendant in the case was at fault. It further does not prevent the defendant from presenting evidence to rebut the presumption. This jurisprudential rule has stood the test of time and need not be changed."