

2022 Regular Session

SENATE BILL NO. 214

BY SENATOR LUNEAU

CIVIL PROCEDURE. Provides for deposition or trial testimony of out-of-state insurance claims adjusters who are licensed or registered in the state. (8/1/22)

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AN ACT

To amend and reenact Code of Civil Procedure Art. 1435, relative to depositions and trial testimony of certain insurance claims adjusters; to require certain out-of-state insurance claims adjusters to appear and offer testimony; to provide for venue; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 1435 is hereby amended and reenacted to read as follows:

Art. 1435. Deposition taken in another state, or in a territory, district, or foreign jurisdiction; **exceptions; out-of-state insurance claims adjusters**

**A.** If the witness whose deposition is to be taken is found in another state, or in a territory, district, or foreign jurisdiction, the law of the place where the deposition is to be taken shall govern the compulsory process to require the appearance and testimony of witnesses, but otherwise the provisions of this Chapter or of R.S. 13:3823 shall be applicable to such a deposition.

**B.(1) Notwithstanding any other provision of law to the contrary, an insurance claims adjuster who is not a resident of Louisiana but who has made**

1            **a physical appearance in the state in order to adjust an insurance claim which**  
 2            **is the subject of a civil suit shall be required to appear in person in the parish**  
 3            **or venue in which the civil suit is pending and to testify at a pretrial deposition**  
 4            **or at the trial on the merits.**

5            **(2) For purposes of this Subsection, "insurance claims adjuster" shall**  
 6            **have the same meaning as "adjuster" as defined in R.S. 22:1661.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

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DIGEST

SB 214 Engrossed

2022 Regular Session

Luneau

Present law provides for the compulsory process related to requiring the appearance and testimony of witnesses that are located in another state, territory, district, or foreign jurisdiction. Present law further provides that the rules concerning any deposition are to be governed by the law of the place where the deposition is to be taken.

Proposed law retains present law but creates an exception for an insurance claims adjuster who does not reside in Louisiana but who makes a physical appearance in this state, in this state to adjust an insurance claim. Proposed law provides that an out-of-state insurance claims adjuster who adjusted the Louisiana claim is required to appear and testify at a deposition or a trial in the parish or venue in which a civil suit is pending is related to the claim.

Proposed law provides that "insurance claims adjuster" means those persons who are licensed or registered with the Dept. of Insurance to investigate or adjust claims on behalf of an insurance company as an independent contractor or an employee.

Effective August 1, 2022.

(Amends C.C. Art. 1435)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Provides that an out-of-state insurance claims adjuster must make a physical appearance in the state to adjust the claim in order to be required to appear in parish or venue to give deposition or trial testimony.
2. Provides for a definition of insurance claims adjuster.