

2022 Regular Session

SENATE BILL NO. 402

BY SENATOR ABRAHAM

COURTS. Provides for special masters in certain civil actions arising within a parish included in a major disaster declaration. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 13:4165(F)(7) and to enact R.S. 13:4165(F)(9) and (10), relative
3 to courts and judicial procedure; to provide for the appointment, duties, powers, and
4 compensation of special masters; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:4165(F)(7) is hereby amended and reenacted and R.S.
7 13:4165(F)(9) and (10) are hereby enacted to read as follows:

8 §4165. Special masters; appointment; duties and powers; compensation

9 * * *

10 F.(1) * * *

11 (7) Any special master appointed **to serve in a major disaster area** pursuant
12 to this Subsection may waive the appointment. Orders initially issued pursuant to this
13 Subsection after ~~January~~ **July** 1, 2022, shall provide for an opt-out upon request of
14 any party.

15 * * *

16 **(9) Notwithstanding any provision of law to the contrary, any order**
17 **issued pursuant to this Subsection shall be applicable to the successor in interest**

1 to any party subject to the order, including any guaranty association, in the
2 same manner as originally applicable to the insured or insurer.

3 (10) R.S. 22:2068(A) shall not be construed to delay compliance with an
4 order issued pursuant to this Subsection.

5 Section 2. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 402 Original

2022 Regular Session

Abraham

Present law provides for the appointment of a special master in any civil action wherein complicated legal or factual issues are presented or wherein exceptional circumstances of the case warrant such appointment upon consent of all parties.

Present law provides that for causes of action arising from a disaster within a parish declared by the president of the United States to be subject to a major disaster declaration under federal law and certified for individual assistance in accordance with the provisions of federal rules, the judges with civil jurisdiction in any court of competent jurisdiction may en banc appoint one or more special masters for all causes of action related to first-party insurance property damage claims.

Present law authorizes any special master appointed pursuant to present law to waive the appointment.

Proposed law limits present law appointment waiver to special masters appointed to serve in a major disaster area.

Present law further requires orders initially issued pursuant to present law after January 1, 2022, to provide for an opt-out upon request of any party.

Proposed law extends the deadline provided for in present law from January 1, 2022, to July 1, 2022.

Proposed law requires that notwithstanding any provision of present law to the contrary, any order issued pursuant to present law be applicable to the successor in interest to any party subject to the order, including any guaranty association, in the same manner as originally applicable to the insured or insurer.

Proposed law requires that any delays permitted for insolvent insurers under present law not be construed to delay compliance with an order issued pursuant to present law and proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:4165(F)(7); adds R.S. 13:4165(F)(9) and (10))