

CONFERENCE COMMITTEE REPORT

SB 214

2022 Regular Session

Luneau

June 5, 2022

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 214 by Senator Luneau, recommend the following concerning the Engrossed bill:

- 1. That the House Floor Amendments No. 1 and 3 proposed by Representative Frieman and adopted by the House of Representatives on June 1, 2022, be adopted.
- 2. That the House Floor Amendment No. 2 proposed by Representative Frieman and adopted by the House of Representatives on June 1, 2022, be rejected.
- 3. That the House Floor Amendments No. 1 and 2 proposed by Representative Mike Johnson and adopted by the House of Representatives on June 1, 2022, be adopted.
- 4. That the following amendments to the Engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 3, change "out-of-state" to "nonresident"

AMENDMENT NO. 2

On page 1, line 10 change "**out-of-state**" to "**nonresident**"

AMENDMENT NO. 3

On page 2, between lines 4 and 5, insert the following:

**"(2) A nonresident insurance claims adjuster subject to the provisions of Subparagraph (1) of this Paragraph shall be available for deposition via telephone or video teleconference. A deposition taken via telephone or video teleconference shall not be admissible as testimony at trial other than for the purpose of impeachment, or upon the showing of death or incapacity of the deponent."**

Respectfully submitted,

Senators:

Representatives:

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Senator Barrow Peacock

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Representative Jeremy S. LaCombe

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Senator W. Jay Luneau

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Representative Greg Miller

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Senator Jeremy Stine

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Representative John M. Stefanski

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

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## CONFERENCE COMMITTEE REPORT DIGEST

SB 214

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### Keyword and summary of the bill as proposed by the Conference Committee

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)

#### Report adopts House amendments to:

1. Remove proposed law provision requiring a nonresident insurance adjuster to appear in person to testify at a pretrial deposition.
2. Provide that provisions of proposed law requiring a nonresident insurance adjuster to appear in person in the parish or venue in which the civil suit is pending shall not apply to any insurance claim adjuster for an insurer domiciled in Louisiana.
3. Make technical changes.

#### Report rejects House amendments which would have:

1. Required a nonresident insurance adjuster to be available for deposition via telephone or video teleconference.

#### Report amends the bill to:

1. Require a nonresident insurance adjuster to be available for deposition via telephone or video teleconference.
2. Provide that a deposition via telephone or video teleconference shall not be admissible as testimony at trial.

### Digest of the bill as proposed by the Conference Committee

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 to adjust an insurance claim.

Proposed law requires a nonresident insurance claims adjuster who adjusted the Louisiana claim to appear and testify at the trial in the parish or venue in which a civil suit is pending; and further requires that they be available for deposition by telephone or video teleconference.

Proposed law provides that a deposition of a nonresident insurance adjuster taken via telephone or video teleconference shall not be admissible as testimony at trial other than for the purpose of impeachment, or upon the showing of death or incapacity of the deponent.

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.

Proposed law does not apply to any insurance claim adjuster for an insurer domiciled in Louisiana.

Effective August 1, 2022.

(Amends C.C. Art. 1435)