

SENATE BILL NO. 214

BY SENATORS LUNEAU, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER,  
CONNICK, FIELDS, HARRIS, LAMBERT, FRED MILLS, MORRIS,  
POPE, SMITH AND TARVER

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 1435, relative to depositions and trial  
3 testimony of certain insurance claims adjusters; to require certain nonresident  
4 insurance claims adjusters to appear and offer testimony; to provide for venue; to  
5 provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 Art. 1435. Deposition taken in another state, or in a territory, district, or foreign  
10 jurisdiction; exceptions; nonresident insurance claims adjusters

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

16 B.(1) Notwithstanding any other provision of law to the contrary, an  
17 insurance claims adjuster who is not a resident of Louisiana but who has made  
18 a physical appearance in the state in order to adjust an insurance claim which  
19 is the subject of a civil suit shall be required to appear in person in the parish  
20 or venue in which the civil suit is pending and to testify at the trial on the  
21 merits.

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

7                    (3) For purposes of this Article, "insurance claims adjuster" shall have  
 8                    the same meaning as "adjuster" as defined in R.S. 22:1661.

9                    C. Paragraph B of this Article shall not apply to any insurance claim  
 10                   adjuster for an insurer domiciled in Louisiana.

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_