

SENATE BILL NO. 214

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

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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 nonresident 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; nonresident 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 a physical appearance in the state in order to adjust an insurance claim which is the subject of a civil suit shall be required to appear in person in the parish or venue in which the civil suit is pending and to testify at the trial on the 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: _____