

SENATE BILL NO. 402

BY SENATOR ABRAHAM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

* * *

F.(1) * * *

(7) Any special master appointed to serve in a major disaster area pursuant to this Subsection may waive the appointment. Orders initially issued pursuant to this Subsection after January 1, 2022, shall provide for an opt-out upon request of any party. The provisions of this Paragraph related to opt-out shall also not apply to any order initially issued on or before December 31, 2022, in any judicial district that has not previously issued an order pursuant to the provisions of this Subsection related to the qualifying disaster event.

* * *

(9) Notwithstanding any provision of law to the contrary, any order issued pursuant to this Subsection shall be applicable to the successor in interest to any party subject to the order, in the same manner as originally applicable to the insured or insurer.

1 (10) A guaranty association may voluntarily participate in a mediation
2 initiated pursuant to a case management order six months after the guaranty
3 association assumes responsibility for the payment of covered claims pursuant
4 to an express order of the receivership court or pursuant to an order of
5 liquidation by the receivership court, or at such time prior to the expiration of
6 six months as the guaranty association in its sole discretion determines that it
7 has sufficient information to participate in a mediation. No participation by a
8 guaranty association in a mediation shall waive any rights afforded the
9 guaranty association under the provisions of R.S. 22:2051, et seq.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____