
SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Seabaugh to Reengrossed House Bill No. 423 by Representative Melerine

1 AMENDMENT NO. 1

2 Delete the set of amendments by the Senate Committee on Judiciary A and adopted by the
3 Senate on May 6, 2024.

4 AMENDMENT NO. 2

5 Delete the set of amendments proposed by the Legislative Bureau and adopted by the Senate
6 on May 6, 2024.

7 AMENDMENT NO. 3

8 On page 1, line 19, after "amount billed." delete the remainder of the line, delete line 20, and
9 insert:

10 "The court ~~shall~~ may award to the claimant ~~up to forty~~ thirty percent of the
11 difference between the amount billed and the amount actually paid to the contracted
12 medical provider by a health ~~insurance~~ insurer or Medicare in consideration of the
13 claimant's cost of procurement, ~~provided that this amount shall be reduced if the~~
14 ~~defendant proves that the recovery of the cost of procurement would make the award~~
15 ~~unreasonable. The determination of this award shall be made only in accordance with~~
16 ~~the provisions of Subsection F of this Section. This amount shall be used to~~
17 compensate a claimant for any diminution in the claimant's patrimony and for such
18 expenses as payment of all, or part, of the premium for the health insurance
19 providing benefits to the claimant for treatment of bodily injuries sustained. The
20 amount actually paid by a health insurer, any cost sharing amount, and the amount
21 billed, paid, or to be paid by a third party who is contractually obligated to pay such
22 expenses shall be discoverable to permit the calculation of the thirty percent
23 difference pursuant to this Paragraph and shall be admissible at trial."

24 AMENDMENT NO. 4

25 On page 2, line 12, after "~~of this Section.~~" insert the following:

26 "In a jury trial, only after a jury verdict is rendered may the court receive
27 evidence related to the limitations of recoverable past medical expenses provided
28 pursuant to this Subsection. The jury shall be informed only of the amount billed by
29 a medical provider for medical treatment. Whether any person, has paid or has
30 agreed to pay, in whole or in part, any of a claimant's medical expenses, shall not be
31 disclosed to the jury. In trial to the court alone, the court may consider such
32 evidence."

33 AMENDMENT NO. 5

34 On page 2, delete lines 21 through 23, and insert the following:

35 "G. F. This Section shall not apply ~~in cases brought pursuant to R.S.~~
36 ~~40:1231.1 et seq., or 1237.1 et seq to any benefits received by the claimant through~~
37 ~~medical payments coverage provided through an auto insurance policy.~~"

39 AMENDMENT NO. 6

40 On page 2, line 24, change "Section 3." to "Section 2."