

2025 Regular Session

SENATE BILL NO. 108

BY SENATOR MILLER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL PROCEDURE. Provides for recoverable medical expenses, limitation upon jury trials and admissibility of evidence in civil actions. (8/1/25)

1 AN ACT

2 To amend and reenact R.S. 9:2800.27(B), (F) and (G) and Code of Civil Procedure Arts.

3 1732 and 1733(A)(2)(a), and to enact Civil Code Art. 2315.12, relative to civil

4 actions; to provide relative to trial procedure and admissibility of evidence; to

5 provide relative to collateral sources; to provide relative to limitations on award of

6 medical expenses; to provide relative to recoverable medical expenses; to provide

7 relative to automobile liability insurance coverage; to provide relative to discovery;

8 to provide relative to certain presumptions; to provide for exceptions; to provide

9 relative to limitation upon jury trials; to provide relative to delictual and quasi-

10 delictual actions; to provide relative to the jury trial threshold; to provide relative to

11 cash deposits for jury trials; to provide for prospective application; and to provide

12 for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 9:2800.27(B), (F) and (G) are hereby amended and reenacted to read
15 as follows:

16 §2800.27. Recoverable past medical expenses; collateral sources; limitations;
17 evidence

1 ~~(1) A suit where the amount of no individual petitioner's cause of action~~
2 ~~exceeds ten thousand dollars exclusive of interest and costs, except as follows:~~

3 ~~(a) If an individual petitioner stipulates or otherwise judicially admits sixty~~
4 ~~days or more prior to trial that the amount of the individual petitioner's cause of~~
5 ~~action does not exceed ten thousand dollars exclusive of interest and costs, a~~
6 ~~defendant shall not be entitled to a trial by jury.~~

7 ~~(b) If an individual petitioner stipulates or otherwise judicially admits for the~~
8 ~~first time less than sixty days prior to trial that the amount of the individual~~
9 ~~petitioner's cause of action does not exceed ten thousand dollars exclusive of interest~~
10 ~~and costs, any other party may retain the right to a trial by jury if that party is entitled~~
11 ~~to a trial by jury pursuant to this Article and has otherwise complied with the~~
12 ~~procedural requirements for obtaining a trial by jury.~~

13 ~~(c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if,~~
14 ~~as a result of a compromise or dismissal of one or more claims or parties which~~
15 ~~occurs less than sixty days prior to trial, an individual petitioner stipulates or~~
16 ~~otherwise judicially admits that the amount of the individual petitioner's cause of~~
17 ~~action does not exceed ten thousand dollars exclusive of interest and costs, a~~
18 ~~defendant shall not be entitled to a trial by jury.~~

19 ~~(2)(a)~~**(1)(a)** A suit commenced in a parish or city court, wherein the
20 individual petitioner stipulates or otherwise judicially admits that the amount of the
21 individual petitioner's cause of action does not exceed the amount in dispute to which
22 the jurisdiction of the court is limited by Articles 4842 and 4843, exclusive of
23 interest, penalties, attorney fees, and costs.

24 (b) The provisions of this Subparagraph shall not apply to delictual or quasi-
25 delictual actions, ~~which shall be governed by the provisions of Subparagraph (1) of~~
26 ~~this Article.~~

27 ~~(3)~~**(2)** A suit on an unconditional obligation to pay a specific sum of money,
28 unless the defense thereto is forgery, fraud, error, want, or failure of consideration.

29 ~~(4)~~**(3)** A summary, executory, probate, partition, mandamus, habeas corpus,

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

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Present law (R.S. 9:2800.27) provides that recoverable past medical expenses of a claimant whose medical expenses were paid by certain collateral sources is limited to the amount actually paid (and any applicable cost sharing amounts paid or owed by the claimant), and not the amount billed.

Present law defines "contracted medical provider"; "cost of procurement"; "cost sharing"; "health insurance issuer"; and "medical provider".

Present law (R.S. 9:2800.27(B)) provides that in cases where a claimant's medical expenses have been paid, in whole or in part, by a health insurance issuer or Medicare to a contracted medical provider, the claimant's recovery of medical expenses is limited to the amount actually paid to the contracted medical provider by the health insurance issuer or Medicare, and any applicable cost sharing amounts paid or owed by the claimant, and not the amount billed.

Present law further provides that the court shall award to the claimant 40% of the difference between the amount billed and the amount actually paid to the contracted medical provider by a health insurance issuer or Medicare in consideration of the claimant's cost of procurement, provided that this amount shall be reduced if the defendant proves that the recovery of the cost of procurement would make the award unreasonable.

Proposed law retains present law, but reduces the portion the court shall award to the claimant of the difference between the amount billed and the amount actually paid to the contracted medical provider by a health insurance issuer or Medicare, from 40% to 30%.

Present law (R.S. 9:2800.27(F)) provides that in a jury trial, only after a jury verdict is rendered may the court receive evidence related to the limitations of recoverable past medical expenses provided by present law.

Present law provides that the jury shall be informed only of the amount billed by a medical provider for medical treatment. Present law further provides that whether any person, health insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any of a claimant's medical expenses, shall not be disclosed to the jury. Provides that in trial to the court alone, the court may consider such evidence.

Proposed law retains present law, but adds that information regarding whether any person, health insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any of a claimant's medical expenses shall be discoverable before trial subject to the Code of Civil Procedure and Code of Evidence.

Present law (R.S. 9:2800.27(G)) provides that present law shall not apply in cases brought pursuant to R.S. 40:1231.1 et seq., or 1237.1 et seq.

Proposed law retains present law and adds that proposed law shall not apply in cases brought pursuant to R.S. 40:1231.1 et seq., 1237.1 et seq. or medical payments coverage provided through a policy of automobile liability insurance.

Present law (C.C.P. Art. 1732) provides that a trial by jury shall not be available in:

- (1) A suit where the amount of no individual petitioner's cause of action exceeds \$10,000 exclusive of interest and costs, except as follows:
 - (a) If an individual petitioner stipulates or otherwise judicially admits 60 days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed \$10,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.
 - (b) If an individual petitioner stipulates or otherwise judicially admits for the first time less than 60 days prior to trial that the amount of the individual petitioner's cause of action does not exceed \$10,000 exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is entitled to a trial by jury pursuant to present law and has otherwise complied with the procedural requirements for obtaining a trial by jury.
 - (c) If, as a result of a compromise or dismissal of one or more claims or parties which occurs less than 60 days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed \$10,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.
- (2) (a) A suit commenced in a parish or city court, wherein the individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed the amount in dispute to which the jurisdiction of the court is limited by present law, exclusive of interest, penalties, attorney fees, and costs.
- (b) Present law shall not apply to delictual or quasi-delictual actions, which shall be governed by the present law.
- (3) A suit on an unconditional obligation to pay a specific sum of money, unless the defense thereto is forgery, fraud, error, want, or failure of consideration.
- (4) A summary, executory, probate, partition, mandamus, habeas corpus, quo warranto, injunction, concursus, workers' compensation, emancipation, tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce proceeding.
- (5) A proceeding to determine custody, visitation, alimony, or child support.
- (6) A proceeding to review an action by an administrative or municipal body.
- (7) All cases where a jury trial is specifically denied by law.

Proposed law provides that a trial by jury shall not be available in:

- (1) (a) A suit commenced in a parish or city court, wherein the individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed the amount in dispute to which the jurisdiction of the court is limited by present law, exclusive of interest, penalties, attorney fees, and costs.
- (b) Proposed law shall not apply to delictual or quasi-delictual actions.
- (2) A suit on an unconditional obligation to pay a specific sum of money, unless the defense thereto is forgery, fraud, error, want, or failure of consideration.
- (3) A summary, executory, probate, partition, mandamus, habeas corpus, quo warranto, injunction, concursus, workers' compensation, emancipation, tutorship, interdiction,

- curatorship, filiation, annulment of marriage, or divorce proceeding.
- (4) A proceeding to determine custody, visitation, alimony, or child support.
 - (5) A proceeding to review an action by an administrative or municipal body.
 - (6) All cases where a jury trial is specifically denied by law.

Present law provides that in a suit for damages arising from a delictual or quasi-delictual action where an individual petitioner stipulates or otherwise judicially admits that his cause of action exceeds \$10,000 and is less than \$50,000, a party may obtain a trial by jury by filing a pleading demanding a trial by jury and providing a cash deposit of \$5,000 no later than 60 days after filing the request for a trial by jury.

Proposed law retains present law but removes the \$10,000 limitation upon jury trials, and changes the cash deposit from \$5,000 to \$4,000.

Proposed law (C.C. Art. 2315.2) provides that the lack of a prior history of an illness, injury, or condition shall not create a presumption that an illness, injury, or condition was caused by the act that is the subject of the claim for a personal injury. Proposed law further provides that proposed law shall not apply to personal injury claims brought pursuant to the Louisiana Workers' Compensation Law.

Proposed law provides that proposed law shall have prospective application only and shall not apply to causes of action filed prior to the effective date of proposed law.

Effective August 1, 2025.

(Amends R.S. 9:2800:27(B), (F) and (G) and C.C.P. Arts. 1732 and 1733(A)(2)(a); adds C.C. Art. 2315.12)