

2025 Regular Session

HOUSE BILL NO. 435

BY REPRESENTATIVES EGAN, EDMONSTON, FIRMENT, GALLE, AND WYBLE

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

CIVIL/DAMAGES: Provides limitations relative to claims for general damages

1 AN ACT

2 To enact R.S. 22:1899, relative to payment of certain claims; to provide for certain injury
3 claims; to provide for limitations; to provide for definitions; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:1899 is hereby enacted to read as follows:

7 §1899. Payment of claim; general damages

8 A. For purposes of this Section, the following definitions shall apply:

9 (1) "General damages" means subjective, nonpecuniary damages arising
10 from death, pain, suffering, inconvenience, mental anguish, worry, emotional
11 distress, loss of society and companionship, loss of consortium, bystander injury,
12 physical impairment, disfigurement, injury to reputation, humiliation,
13 embarrassment, loss of the enjoyment of life, hedonic damages, other nonpecuniary
14 damages, and any other theory of damages, including but not limited to fear of loss,
15 illness, or injury. The term "general damages" shall not include punitive or
16 exemplary damages.

17 (2) "Special damages" means objectively verifiable pecuniary damages
18 arising from medical expenses and medical care, rehabilitation services, custodial
19 care, disabilities, loss of earnings and earning capacity, loss of income, burial costs,
20 loss of use of property, costs of repair or replacement of property, costs of obtaining

1 substitute domestic services, loss of employment, loss of business or employment
2 opportunities, and other objectively verifiable monetary losses.

3 B. In a suit for damages arising from a delictual action, the tortfeasor shall
4 not be required to pay an amount in excess of five million dollars for general
5 damages to any one claimant or plaintiff.

6 C. In a jury trial, the jury shall not be advised of the limitations imposed by
7 this Section, but the courts shall appropriately reduce any award of general damages
8 that exceed the applicable limitation.

9 D. The provisions of this Section shall not be construed as creating a cause
10 of action or as setting forth elements of or types of damages that are or are not
11 recoverable in any delictual action provided for in the Civil Code.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 435 Engrossed

2025 Regular Session

Egan

Abstract: Provides a limitation on recovery of general damages in certain circumstances.

Proposed law defines "general damages" and "special damages".

Proposed law provides that in a suit for damages arising from a delictual action, the tortfeasor shall not be required to pay an amount in excess of \$5,000,000 for general damages to any one claimant or plaintiff.

Proposed law provides that the jury shall not be advised of the limitations imposed by proposed law but the courts shall appropriately reduce any award of general damages that exceed the limitation.

Proposed law shall not be construed as creating a cause of action or setting forth elements of or types of damages that are or not recoverable in any delictual action provided for in the Civil Code.

(Adds R.S. 22:1899)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Change applicability of proposed law from claims filed under a liability policy to suits for damages arising from a delictual action.