

2025 Regular Session

HOUSE BILL NO. 443

BY REPRESENTATIVES HENRY, AMEDEE, BAGLEY, BAMBURG, BERAULT, BILLINGS, BOYER, BUTLER, CARLSON, CARVER, CHENEVERT, COATES, DEVILLIER, DEWITT, DICKERSON, DOMANGUE, EDMONSTON, EGAN, EMERSON, FIRMENT, GALLE, GLORIOSO, HEBERT, HORTON, MIKE JOHNSON, MCFARLAND, MELERINE, OWEN, SCHAMERHORN, THOMAS, WILDER, AND WYBLE

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

CIVIL/PROCEDURE: Provides relative to certain notifications in delictual actions

1 AN ACT

2 To enact Civil Code Article 2315.12, relative to delictual actions; to require certain notices;
3 to provide procedural requirements; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Civil Code Article 2315.12 is hereby enacted to read as follows:

6 Art. 2315.12. Delictual actions; notice to defendant required

7 A. For any cause of action arising pursuant to the provisions of this Chapter,
8 the attorney for the plaintiff, within twenty business days of being retained as
9 counsel for the plaintiff, shall notify the defendant in writing if the defendant has
10 insurance that may cover a portion of the damages arising from the cause of action.

11 B. The notice shall be delivered by certified or electronic mail and include
12 all of the following information:

- 13 (1) The name of the plaintiff.
- 14 (2) The contact information of the attorney for the plaintiff.
- 15 (3) The nature of the claim.
- 16 (4) The date of the incident that gave rise to the cause of action.
- 17 (5) The location where the incident occurred that gave rise to the cause of
18 action.

- 1 (6) The domicile of the plaintiff.
- 2 C. An attorney who fails to comply with the provisions of this Article may
- 3 be sanctioned by the court.

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 443 Reengrossed

2025 Regular Session

Henry

Abstract: Provides relative to notices required in a delictual action.

Proposed law requires written notification to be sent to a defendant within 20 business days of retention of counsel for the plaintiff if the defendant has insurance that may cover a portion of damages arising from a cause of action.

Proposed law requires all of the following in a notification to a defendant:

- (1) The name of the plaintiff.
- (2) The contact information of the attorney for the plaintiff.
- (3) The nature of the claim.
- (4) The date of the incident that gave rise to the cause of action.
- (5) The location where the incident occurred that gave rise to the cause of action.
- (6) The domicile of the plaintiff.

Proposed law permits sanctions against an attorney who fails to comply with the provisions of proposed law.

(Adds C.C. Art. 2315.12)

Summary of Amendments Adopted by House

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

1. Remove the requirement that a defendant's insurer be notified if the plaintiff retains counsel.

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.
2. Increase the period of time in which counsel shall send written notification to the defendant from 10 days to 20 days.