

2025 Regular Session

HOUSE BILL NO. 431

BY REPRESENTATIVES CHENEVERT, AMEDEE, BACALA, BAGLEY, BAMBURG,
BEAULLIEU, BERAULT, BILLINGS, BOYER, BUTLER, CARLSON, CARVER,
COATES, COX, CREWS, DEVILLIER, DICKERSON, DOMANGUE, ECHOLS,
EDMONSTON, EGAN, EMERSON, FIRMENT, GADBERRY, GALLE, HENRY,
HORTON, MIKE JOHNSON, JACOB LANDRY, MACK, MCFARLAND,
MCMAHEN, MCMAKIN, MELERINE, OWEN, RISER, SCHAMERHORN,
SCHLEGEL, WILDER, WRIGHT, AND WYBLE

1 AN ACT

2 To amend and reenact Civil Code Article 2323(A) and to enact Civil Code Article 2323(D),
3 relative to comparative fault; to establish a modified comparative fault system; to
4 provide for the recovery of damages; to provide for an effective date; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 2323(A) is hereby amended and reenacted and Civil
8 Code Article 2323(D) is hereby enacted to read as follows:

9 Art. 2323. Comparative fault

10 A.(1) In any action for damages where a person suffers injury, death, or loss,
11 the degree or percentage of fault of attributable to all persons causing or contributing
12 to the injury, death, or loss shall be determined, regardless of whether the person is
13 a party to the action or a nonparty, and regardless of the person's insolvency, ability
14 to pay, immunity by statute, including but not limited to the provisions of R.S.
15 23:1032, or that the other person's identity is not known or reasonably ascertainable.
16 ~~If a person suffers injury, death, or loss as the result partly of his own negligence and~~
17 ~~partly as a result of the fault of another person or persons, the amount of damages~~
18 ~~recoverable shall be reduced in proportion to the degree or percentage of negligence~~
19 ~~attributable to the person suffering the injury, death, or loss.~~

(2) If a person suffers injury, death, or loss partly as the result of his own negligence and partly as a result of the fault of another person or persons, then the following shall apply:

(a) If the degree or percentage of negligence attributable to the person suffering injury, death, or loss is equal to or greater than fifty-one percent, then the person suffering injury, death, or loss shall not be entitled to recover damages.

(b) If the degree or percentage of negligence attributable to the person suffering injury, death, or loss is less than fifty-one percent, then the amount of damages recoverable shall be reduced in proportion to the degree or percentage of negligence attributable to the person suffering the injury, death, or loss.

* * *

D. In cases where the issue of comparative fault is submitted to the jury, the
jury shall be instructed on the effect of this Article.

Section 2. This Act shall become effective on January 1, 2026.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____