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## DIGEST

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HB 597 Original

2020 Regular Session

Nelson

**Abstract:** Eliminates the presumption of causation established by lack of prior medical history, allows for evidence of force of impact to be considered to determine causation and extent of injuries, requires a testifying healthcare provider to offer into evidence payments received for services rendered, and requires that damages be reduced for failure to wear a safety belt.

Proposed law provides that for a personal injury claim that is not raised pursuant to the La. Workers' Compensation Law, the lack of a prior medical history of an illness or injury shall not create a presumption that an illness or injury was caused by the act that is the subject of the claim.

Proposed law provides that in a personal injury claim, evidence of the force of impact may be considered to determine the causation of an injury or the nature and extent of any injuries sustained.

Proposed law provides that in a personal injury claim, a healthcare provider offering evidence on the injuries or required treatment of an injured party shall submit into evidence the amount of any payment anticipated or received on behalf of the injured party for services rendered or testimony provided. Proposed law further provides that upon request of any party, the healthcare provider shall also introduce into evidence the total amount of payments received in the past five years for testimony provided or services rendered to a party involved in a personal injury case wherein the healthcare provider testified. Any payment received by an entity in which an individual healthcare provider has an ownership interest shall be deemed to have been received fully by the healthcare provider individually.

Present law provides that in an action to recover damages arising out of the ownership, common maintenance, or operation of a motor vehicle, failure to wear a safety belt shall not be considered evidence of comparative negligence and shall not be admitted to mitigate damages.

Proposed law repeals present law and provides that the failure of an injured party to wear a safety belt shall reduce the damages awarded to the injured party by the amount of minimum bodily injury insurance coverage required by present law.

(Amends R.S. 32:295.1(E); Adds C.C. Art. 2315.11 and C.E. Arts. 416 and 607(E))