

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 402

2022 Regular Session

Abraham

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

COURTS. Provides for special masters in certain civil actions arising within a parish included in a major disaster declaration. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Changes the date for orders issued in which an opt-out must be provided upon request of any party.
2. Adds an exception from opt-out requirements for certain judicial districts.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 402 Engrossed

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Present law provides for the appointment of a special master in any civil action wherein complicated legal or factual issues are presented or wherein exceptional circumstances of the case warrant such appointment upon consent of all parties.

Present law provides that for causes of action arising from a disaster within a parish declared by the president of the United States to be subject to a major disaster declaration under federal law and certified for individual assistance in accordance with the provisions of federal rules, the judges with civil jurisdiction in any court of competent jurisdiction may en banc appoint one or more special masters for all causes of action related to first-party insurance property damage claims.

Present law authorizes any special master appointed pursuant to present law to waive the appointment.

Proposed law limits present law appointment waiver to special masters appointed to serve in a major disaster area.

Present law further requires orders initially issued pursuant to present law after January 1, 2022, to provide for an opt-out upon request of any party.

Proposed law provides that provisions of present law related to opt out shall also not apply to any order initially issued on or before December 31, 2022, in any judicial district that has not previously issued an order pursuant to the provisions of this present law related to the qualifying disaster event.

Proposed law requires that notwithstanding any provision of present law to the contrary, any order issued pursuant to present law be applicable to the successor in interest to any party subject to the order, in the same manner as originally applicable to the insured or insurer.

Proposed law authorizes a guaranty association can voluntarily participate in a mediation that is initiated pursuant to a case management order six months after the guaranty association assumes responsibility for the payment of the covered claim pursuant to an expressed order of the receivership court or pursuant to an order of liquidation by the receivership court, or at a time prior to the expiration of six months as the guaranty association in its sole discretion determines that it has sufficient information to participate in a mediation, but participation by the guaranty association in mediation can waive any rights it is afforded to under law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:4165(F)(7); adds R.S. 13:4165(F)(9) and (10))

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