
The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Beth O'Quin.

SB 402 Engrossed

DIGEST
2022 Regular Session

Abraham

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 extends the deadline provided for in present law from January 1, 2022, to July 1, 2022.

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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Provides for voluntary participation by a guaranty association.