

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

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

LIABILITY/TORTS: Provides relative to modified comparative fault

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

8 Art. 2323. Comparative fault

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

