

# GREEN SHEET REDIGEST

HB 431

2025 Regular Session

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**LIABILITY/TORTS: Provides relative to modified comparative fault.**

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## DIGEST

Present law provides that if a person suffers injury, death, or loss as the result partly of his own negligence and partly as a result of the fault of another person or persons, the amount of damages the plaintiff can recover shall be reduced in proportion to the degree or percentage of negligence attributable to the person suffering the injury, death, or loss.

Proposed law provides that 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, then the following shall apply:

- (1) If the degree or percentage of negligence attributable to the person suffering injury, death, or loss is equal to or greater than 51%, then the person shall not be entitled to recover damages.
- (2) If the degree or percentage of negligence attributable to the person suffering injury, death, or loss is less than 51%, then the amount of damages the person can recover is reduced in proportion to the degree or percentage of negligence attributable to the person suffering the injury, death or loss.

Proposed law adds that where the issue of comparative fault is submitted to the jury, the jury shall be instructed on the effect of proposed new law.

Effective January 1, 2026.

(Amends C.C. Art. 2323(A); adds C.C. Art. 2323(D))

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Change the threshold for a plaintiff's bar to recovery from 50% to 51%.

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.

### Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Replaces references to "claimant" with "the person who suffers injury, death, or loss".
2. Adds that where the issue of comparative fault is submitted to the jury, the jury shall be instructed on the effect of proposed new law.
3. Clarifies comparative fault as provided for in present law.
4. Makes technical changes.