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HOUSE FLOOR AMENDMENTS

2026 Regular Session

Amendments proposed by Representative Bamburg to Engrossed House Bill No. 1089 by Representative Bamburg

1 AMENDMENT NO. 1

2 On page 1, line 3, change "1433" to "1434"

3 AMENDMENT NO. 2

4 On page 1, line 10, change "1433" to "1434"

5 AMENDMENT NO. 3

6 On page 1, line 19, change "delictual action." to "delictual action, except as provided for in
7 R.S. 6:1434."

8 AMENDMENT NO. 4

9 On page 2, delete lines 1 through 5 in their entirety and insert in lieu thereof the following:

10 "(2) "Payor" means an insurer obligated by its policy to make payment on
11 a claim for which the court has ordered such payment to be deposited into a CARE
12 Account.

13 (3) "Qualifying medical expenses" mean amounts paid for medical care, as
14 defined in 26 U.S.C. 213, that are related to the injury or condition that is the subject
15 of the judgment."

16 AMENDMENT NO. 5

17 On page 2, line 7, after "any" and before "for which" change "delictual action" to "delictual
18 action, except as provided for in R.S. 6:1434."

19 AMENDMENT NO. 6

20 On page 2, at the beginning of line 12, change "judgment debtor" to "payor"

21 AMENDMENT NO. 7

22 On page 2, line 12, after "of the" and before "for the term" change "judgment creditor" to
23 "plaintiff"

24 AMENDMENT NO. 8

25 On page 2, line 13, change "judgment creditor's" to "plaintiff's"

26 AMENDMENT NO. 9

27 On page 2, at the end of line 15, change "account." to "account, for which the financial
28 institution shall issue a transaction card for the plaintiff to execute transactions authorized
29 pursuant to this Chapter."

1 AMENDMENT NO. 10

2 On page 2, at the end of line 16, delete "the" and at the beginning of line 17, delete "purchase
3 of"

4 AMENDMENT NO. 11

5 On page 2, line 20, after "transactions" delete the remainder of the line and insert "being
6 effectuated"

7 AMENDMENT NO. 12

8 On page 2, line 22, change "judgment debtor" to "payor"

9 AMENDMENT NO. 13

10 On page 2, delete lines 23 through 28 in their entirety and on page 3, delete lines 1 through
11 15 in their entirety and insert the following:

12 "services including but not limited to monitoring and reconciling transactions
13 involving a CARE Account; however, the third-party administrator is not subject to
14 liability if the plaintiff executes a transaction that is not a qualifying medical
15 expense.

16 E. Upon the judgment becoming final and the payor receiving an affidavit
17 from the plaintiff attesting to his knowledge and understanding that funds in the
18 CARE Account shall only be used for qualifying medical expenses, the payor shall
19 deposit funds into the CARE Account as so ordered by the court.

20 F. One hundred eighty days after the financial institution receives notice or
21 otherwise becomes aware of the death of the plaintiff, the financial institution shall
22 close the CARE Account and any funds remaining in the account shall revert to each
23 payor in proportion to the amount each contributed to the account.

24 §1434. Excluded judgments

25 The provisions of this Chapter do not apply to the following actions:

26 (1) An intentional tort action.

27 (2) A medical malpractice action brought pursuant to R.S. 40:1231.1 et seq.

28 (3) An action involving sexual assault or sexual battery brought pursuant to
29 Civil Code Articles 2315.3, 2315.7, 2315.11, or 2315.13.

30 (4) An action for which special damages for future medical expenses would
31 otherwise be deposited into a Medicare Set Aside account as provided for by the
32 Centers for Medicare and Medicaid Services.

33 (5) An action subject to R.S. 13:5106 for which payments are made from the
34 Future Medical Care Fund provided for in R.S. 39:1533.2.

35 (6) An action in which there are no liable payors."