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**HOUSE COMMITTEE AMENDMENTS**

2020 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 9 by Representative Garofalo

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1 AMENDMENT NO. 12 On page 1, line 3, after "to enact" and before "R.S. 9:2800.25" insert "Code of Civil  
3 Procedure Article 1732.1 and"4 AMENDMENT NO. 2

5 On page 1, at the end of line 3, delete "and" and insert a comma ","

6 AMENDMENT NO. 37 On page 1, line 4, after "R.S. 22:333(E)," and before "relative" insert "and R.S.  
8 32:295.1(E)"9 AMENDMENT NO. 410 On page 1, line 9, after "date;" and before "and to" insert "to provide for prospective  
11 application;"12 AMENDMENT NO. 513 On page 2, at the end of line 15 insert "and Code of Civil Procedure Article 1732.1 is hereby  
14 enacted"15 AMENDMENT NO. 616 On page 2, line 20, after "costs," and before "except" delete the comma "," and insert "for  
17 any quasi-delictual or delictual action or twenty-five thousand dollars exclusive of interest  
18 and costs for any other action,"19 AMENDMENT NO. 720 On page 2, line 23, after "costs," and before "a" delete the comma "," and insert "for any  
21 quasi-delictual or delictual action or twenty-five thousand dollars exclusive of interest and  
22 costs for any other action,"23 AMENDMENT NO. 824 On page 2, line 28, after "costs," and before "any" delete the comma "," and insert "for any  
25 quasi-delictual or delictual action or twenty-five thousand dollars exclusive of interest and  
26 costs for any other action,"27 AMENDMENT NO. 928 On page 3, line 7, after "costs," and before "a" delete the comma "," and insert "for any  
29 quasi-delictual or delictual action or twenty-five thousand dollars exclusive of interest and  
30 costs for any other action,"31 AMENDMENT NO. 10

32 On page 3, between lines 9 and 10, insert the following:

1 "Art. 1732.1 Limitation upon jury trials; delictual and quasi-delictual actions  
 2 Pursuant to Article 1732, and notwithstanding the provisions of Articles 1761  
 3 and 1797, if a suit for a quasi-delictual or delictual action demands between five  
 4 thousand dollars and twenty-five thousand dollars exclusive of interest and costs and  
 5 a jury is requested by at least one party, the following provisions apply:  
 6 (1) A jury shall be selected with no more than six jurors and one alternate.  
 7 (2) All jurors must concur to render a verdict, unless the parties stipulate  
 8 otherwise."

9 AMENDMENT NO. 11

10 On page 3, delete lines 12 through 21 in their entirety and insert the following:

11 "A. For the purposes of this Section the following terms shall have the  
 12 following meanings:

13 (1) "Health insurance issuer" means any health insurance coverage through  
 14 a policy or certificate of insurance subject to regulation of insurance under state law,  
 15 health maintenance organization, employer sponsored health plan, the office of group  
 16 benefits, or an equivalent federal or state health plan.

17 (2) "Medical provider" means any healthcare provider, hospital, ambulance  
 18 service, or their heirs or assigns.

19 B. In cases where a plaintiff's medical expenses have been paid, in whole or  
 20 in part, by a health insurance issuer, Medicaid, or Medicare to a contracted or  
 21 participating medical provider, the plaintiff's recovery of medical expenses is limited  
 22 to the amount actually paid to the medical provider by the health insurance issuer,  
 23 Medicaid, or Medicare and any applicable cost sharing amount, and not the amount  
 24 billed."

25 AMENDMENT NO. 12

26 On page 3, at the beginning of line 22, change "B.(1)" to "C."

27 AMENDMENT NO. 13

28 On page 3, delete lines 26 through 29 in their entirety and on page 4, delete lines 1 and 2 in  
 29 their entirety and insert the following:

30 "D. (1) In an action for damages where a person suffers injury, death, or loss,  
 31 the court may receive evidence concerning any amount which has been paid or  
 32 contributed as of the date the court enters judgment by or on behalf of the claimant  
 33 or members of his immediate family to secure the claimant's right to any private  
 34 insurance benefit which he has received as a result of such injury, death, or loss.

35 (2) In an action for damages where a person suffers injury, death, or loss, the  
 36 court may receive evidence concerning the amount the health insurance issuer would  
 37 have paid if the medical bills would have been submitted by the claimant to his  
 38 health insurance issuer, Medicare, or Medicaid provider."

39 AMENDMENT NO. 14

40 On page 5, line 20, after "Article 3492" and before "are hereby" delete "and R.S. 22:333(E)"  
 41 and insert a comma "," and insert "R.S. 22:333(E), and R.S. 32:295.1(E)"

42 AMENDMENT NO. 15

43 On page 5, line 27, after "Section 8." and before "This" insert "(A)"

44 AMENDMENT NO. 16

45 On page 5, after line 27, insert the following:

1 "(B) The provisions of Section 3 of this Act shall apply only to new causes of action  
2 that arise on or after the effective date of this Act."