

2025 Regular Session

HOUSE BILL NO. 431

BY REPRESENTATIVES CHENEVERT, BERAULT, CARVER, DOMANGUE, EGAN,  
GALLE, HENRY, AND MELERINE

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 compared 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.~~

19 (2) If the fault attributable to the claimant is less than fifty percent, the  
20 claimant is entitled to recover damages from each person against whom damages

1        were sought. The amount recoverable from a person pursuant to this Subparagraph

2        shall be in proportion to the fault attributable to that person.

3                (3) If the fault attributable to the claimant is greater than or equal to fifty

4        percent, the claimant shall not be entitled to recover damages.

5                                \*        \*        \*

6        Section 2. This Act shall become effective on January 1, 2026.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 431 Original                                2025 Regular Session                                Chenevert

**Abstract:** Changes the pure comparative fault system to a modified comparative fault system with a 50% bar to recovery.

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 changes present law by barring a plaintiff's recovery for damages if the plaintiff is found 50% or more at fault in causing his own damages.

Effective January 1, 2026.

(Amends C.C. Art. 2323(A))