

2025 Regular Session

HOUSE BILL NO. 597

BY REPRESENTATIVE ROBBY CARTER

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

CIVIL/CLAIMS: Enacts the Speedy Tort Claims Act

1 AN ACT

2 To enact Title IV of Book VIII of the Code of Civil Procedure, to be comprised of Articles

3 5020.1 through 5022.5, relative to civil actions; to provide for the Speedy Tort

4 Claims Act; to provide for the establishment of a special division of court; to provide

5 for the selection of magistrate judges; to provide for the authority and salary of

6 magistrate judges; to provide for a limited jurisdiction; to provide for civil

7 procedures; to provide for appeals; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Title IV of Book VIII of the Code of Civil Procedure, comprised of

10 Articles 5020.1 through 5022.5, is hereby enacted to read as follows:

11 BOOK VIII - TRIAL COURTS OF LIMITED JURISDICTION

12 TITLE IV - SPEEDY TORT CLAIMS ACT

13 CHAPTER 1. GENERAL PROVISIONS AND CIVIL JURISDICTION

14 Art. 5020.1. Speedy Tort Claims Act

15 This Title shall be known and referred to as the Speedy Tort Claims Act.

16 Art. 5020.2. Authority to establish special division

17 A. Each judicial district court is authorized to establish a special division

18 within the court, referred to as a speedy tort claims division, with subject matter

19 jurisdiction limited by the amount in dispute and by the nature of the proceeding.

1 B. For the purposes of this Title, the amount in dispute is determined by the
2 amount demanded, including damages pursuant to Civil Code Articles 2315 et seq.,
3 or value asserted in good faith by the plaintiff, but does not include interest, court
4 costs, attorney fees, or penalties, whether provided by agreement or by law.

5 C. If the demand asserted in an amended or supplemental pleading exceeds
6 the jurisdiction of the court, the court shall transfer the action to a division of the
7 court with proper jurisdiction.

8 Art. 5020.3. Selection of magistrate judges; authority

9 A. Magistrate judges for the speedy tort claims division shall be appointed
10 and the salary shall be set by a majority vote of the judges of the judicial district
11 court of the speedy tort claims division.

12 B. The salary of the magistrate judge shall be paid from the judicial expense
13 fund of the judicial district court.

14 C. A person appointed as an magistrate judge pursuant to this Section shall
15 have been domiciled in the parish of the district court to which he is appointed for
16 one year preceding the appointment and shall have been admitted to the practice of
17 law in the state for at least eight years.

18 D. Magistrate judges shall have the power to enforce any lawful order and
19 the discretionary authority to use necessary sanctions, including dismissal, in order
20 to control the orderly process of hearings or trials, enforce orders, and the provisions
21 of this Code.

22 Art. 5020.4. Speedy tort claims division jurisdiction; amount in dispute

23 A. Except as otherwise provided by law, the civil jurisdiction of a speedy tort
24 claims division is concurrent with the district court in cases where the amount in
25 dispute, or the value of the property involved, does not exceed fifty thousand dollars.

26 B. The civil jurisdiction of a speedy tort claims division shall not include
27 actions for injunctive relief.

1 Art. 5020.5. Amount in dispute; jurisdiction of incidental demands; payment of
2 costs of transfer

3 A.(1) When a speedy tort claims division has jurisdiction over the principal
4 demand, it may exercise subject matter jurisdiction over a good faith incidental
5 demand, except that if the amount in dispute of such incidental demand exceeds its
6 jurisdictional amount, a speedy tort claims division may not continue to exercise
7 jurisdiction except for purposes of transferring the entire action as provided in this
8 Section.

9 (2) When an otherwise properly instituted incidental demand exceeds the
10 subject matter jurisdiction of a speedy tort claims division, the court may transfer the
11 entire action to a division of court of proper jurisdiction.

12 B. When a compulsory reconventional demand exceeds the jurisdiction of
13 a speedy tort claims division, and when any good faith incidental demand before a
14 speedy tort claims division exceeds the jurisdictional amount of the speedy tort
15 claims division, the court shall transfer the entire action to a division of court of
16 proper jurisdiction. The party filing the incidental demand that causes the a speedy
17 tort claims division to transfer the action shall be responsible for payment of all costs
18 for the transfer and shall make payment of the costs directly to the clerk of court of
19 the transferee court within fifteen days of the filing of the incidental demand in the
20 speedy tort claims division.

21 Art. 5020.6. Limitations upon jurisdiction; nature of proceedings

22 In addition to the limitation by the amount in dispute as set forth above, the
23 jurisdiction of a speedy tort claims division is limited by the nature of the
24 proceeding, as set forth in Article 5020.6.

25 Art. 5020.7. Limitations upon jurisdiction

26 A. Except as otherwise provided by law, a speedy tort claims division has
27 no jurisdiction in any of the following cases or proceedings:

28 (1) A case involving title to immovable property.

29 (2) A case involving the right to public office or position.

1 (3) A case in which the plaintiff asserts civil or political rights under the
2 federal or state constitutions.

3 (4) A claim for annulment of marriage, divorce, separation of property, or
4 alimony.

5 (5) A succession, interdiction, receivership, liquidation, habeas corpus, or
6 quo warranto proceeding.

7 (6) A case in which the state, or a parish, municipal, or other political
8 corporation is a defendant.

9 (7) Class actions.

10 (8) Any other case or proceeding excepted from the jurisdiction of these
11 courts by law.

12 B. In addition, a speedy tort claims division shall not have jurisdiction in
13 tutorship, curatorship, emancipation, and partition proceedings.

14 Art. 5020.8. Contempt power

15 A speedy tort claims division has the same power to punish a contempt of
16 court as other divisions of a district court.

17 Art. 5020.9. Jurisdiction over the person

18 A speedy tort claims division may exercise jurisdiction over the person to the
19 same extent, and in the same manner, as other divisions of district court.

20 Art. 5020.10. Jurisdiction in rem or quasi in rem; executory proceedings

21 A. A speedy tort claims division may exercise jurisdiction quasi in rem over
22 movable or immovable property, or jurisdiction in rem over movable property, in the
23 manner provided by law, if the property is situated within the territorial jurisdiction
24 of the court.

25 B. A speedy tort claims division may issue a writ of seizure and sale in an
26 executory proceeding to enforce a privilege or mortgage on movable or immovable
27 property.

1 Art. 5020.11. Guidelines for treatment and medical reimbursement schedule

2 The administration of all claims filed in a speedy tort claims division shall
3 be subject to the guidelines for treatment as provided by the Chapters 20 through 23
4 of Subpart 2 of Part I of Title 40 of the Louisiana Administrative Code, and any
5 awards for medical treatment shall be subject to and limited by the medical
6 reimbursement schedule as provided by Chapters 25 through 53 of Subpart 2 of Part
7 I of of Title 40 of the Louisiana Administrative Code.

8 CHAPTER 2. PROCEDURE

9 Art. 5021.1. General rules of procedure; court costs

10 A. Each party shall have the right to appear in person or by counsel licensed
11 to practice law in this state.

12 B.(1) Court costs for all filings in the speedy claims division shall be reduced
13 to one half of the court costs applicable to all other filings for the district court in
14 which the speedy claims division is located.

15 (2) Costs may be awarded by the magistrate judge, in his discretion, and
16 when so awarded the same may be allowed, taxed, and collected as in other civil
17 proceedings. The fees of expert witnesses shall be reasonable and fixed in the
18 original judgment. The judgment rendered shall have the same force and effect and
19 may be satisfied as a judgment of a district court.

20 C. Except as otherwise provided by this Title, the general rules of procedure
21 provided by Books I through V, and VII shall apply.

22 Art. 5021.2. Motions and rules to show cause

23 A.(1) Each speedy claims division shall designate a specific day of the week
24 for the hearing of rules, motions, exceptions, and arguments. A list of the days shall
25 be available in the clerk of court's office.

26 (2) All motions and exceptions on an action shall be heard at one time of the
27 same day.

1 B. An application to the court for an order, if not presented in some other
2 pleading, shall be by motion which, unless made during trial or hearing or in open
3 court, shall be in writing.

4 C. If requested and agreed to by the court and all parties to the action no less
5 than ten days prior to the hearing, the magistrate judge may entertain such motion,
6 rule, or other hearing by telephone conference with all parties participating. Such
7 telephone conference shall be initiated by the party requesting the telephone
8 conference.

9 Art. 5021.3. Venue

10 The rules of venue provided in Articles 41 through 45, 71 through 79 and 81,
11 and 121 through 124 apply to suits brought in the speedy tort claims division.

12 Art. 5021.4. Scheduling trial; trial by jury prohibited

13 A. Trial shall be set within sixty days of any party filing a motion to set the
14 matter for trial.

15 B. If agreed to by all parties to the action, the issues of liability and damages
16 may be bifurcated and tried separately.

17 C. There shall be no trial by jury in any case in a speedy tort claims division.

18 Art. 5021.5. Pleadings in speedy tort claims division

19 In suits in a speedy tort claims division , written pleadings shall be required;
20 provided, that a court may by rule provide for oral pleadings for suits in which the
21 amount in dispute is two thousand dollars or less, and prescribe the form of such
22 pleadings.

23 Art. 5021.6. Citation in speedy tort claims division

24 A. The citation shall summon the defendant to comply with the demand of
25 the plaintiff against him, or to state his answer to the demand, within the delay
26 provided by Article 5021.7, and shall state the location where the court is to be held.

27 B. A copy of the petition shall be attached to the citation.

28 C. The citation shall conform to the requirements for citation issuing out of
29 the district court.

1 Art. 5021.7. Delay for answering in speedy tort claims division

2 The defendant shall answer within ten days of the service of citation, except
3 that when the citation is served through the secretary of state, the delay, as to all
4 defendants, shall be fifteen days after service.

5 Art. 5021.8. Default judgment in speedy tort claims division

6 A. In suits in a speedy tort claims division, if the defendant fails to answer
7 timely, or if he fails to appear at the trial, and the plaintiff establishes a prima facie
8 case by competent and admissible evidence, a default judgment in favor of the
9 plaintiff may be rendered.

10 B. A hearing in open court shall not be required unless the judge in his
11 discretion directs that such a hearing be held. The plaintiff shall submit to the court
12 the proof required by law and the original and not less than one copy of the proposed
13 default judgment. The judge shall, within seventy-two hours of receipt of such
14 submission from the clerk of court, sign the proposed default judgment or direct that
15 a hearing be held. The clerk of court shall certify that no answer or other pleading
16 has been filed by the defendant. The minute clerk shall make an entry showing the
17 dates of receipt of proof, review of the record, and rendition of the default judgment.
18 A certified copy of the signed default judgment shall be sent to the plaintiff by the
19 clerk of court, and notice of the signing of the default judgment shall be given as
20 provided in Article 1913.

21 Art. 5021.9. Trial

22 At trial of the claim, the magistrate judge shall not be bound by technical
23 rules of evidence or procedure other than as provided in this Title, but all findings
24 of fact shall be based upon competent evidence and all compensation payments
25 provided for in this Title shall mean and be defined to be for only such injuries as are
26 proven by competent evidence, or for which there are or have been objective
27 conditions or symptoms proven, not within the physical or mental control of the
28 injured employee himself. The magistrate judge shall decide the merits of the
29 controversy as equitably, summarily, and simply as may be.

1 Art. 5021.10. Testimony

2 All medical and expert testimony shall be submitted by deposition.

3 Art. 5021.11. Notice of judgment in speedy tort claims division

4 Notice of the signing of a final judgment shall be given as required by Article
5 1913.

6 Art. 5021.12. Form of judgment in speedy tort claims division

7 The judgment shall be in writing, contain the typewritten or printed name of
8 the judge, and be signed by the judge. Any judgment that does not contain the
9 typewritten or printed name of the judge shall not be invalidated for that reason.

10 Art. 5021.13. New trials; delay in speedy tort claims division

11 A. After judgment is signed in the speedy tort claims division, a party may
12 make a written request or motion for new trial for any of the grounds provided by
13 Articles 1972 and 1973.

14 B. The delay for applying for a new trial shall be seven days, exclusive of
15 legal holidays. Where notice of judgment is required, a party may file a motion for
16 a new trial not later than seven days, exclusive of legal holidays, after the clerk has
17 mailed, or the sheriff has served, the notice of judgment.

18 Art. 5021.14. New trial; procedure in speedy tort claims division

19 The application for new trial, and the new trial, when granted, shall be
20 governed by the provisions of Article 1971 and Articles 1975 through 1979.

21 Art. 5021.15. Legal interest

22 Legal interest on a judgment from a speedy tort claims division shall not
23 accrue unless an appeal is filed.

24 CHAPTER 3. APPEALS

25 Art. 5022.1. Procedure for appealing

26 Except as provided by this Title, the appellate procedure provided by Book
27 III of the Code of Civil Procedure shall be applicable.

1 Art. 5022.2. Appeals from speedy tort claims division

2 A. An appeal from a judgment rendered by a speedy tort claims division
3 shall be taken to the court of appeal.

4 B. Appeal shall be on the record and shall be taken in the same manner as
5 an appeal from the district court.

6 Art. 5022.3. Limitations on appeals

7 A. Only errors of law are appealable in a judgment from a speedy tort claims
8 division. There shall be no appeal based on a question of fact.

9 B. Appeals and writs arising from a speedy tort claims division shall be
10 heard by a three-judge panel to be selected by the circuit court of appeal.

11 C. A decision by the three-judge panel shall be final and non-appealable to
12 the full court.

13 D. There shall be no appeal available to the supreme court.

14 Art. 5022.4. Delay for appeal

15 A. An appeal from a judgment rendered by a speedy tort claims division may
16 be taken only within ten days from the date of the judgment or from the service of
17 notice of judgment, when such notice is necessary.

18 B. When an application for new trial is timely filed, however, the delay for
19 appeal commences on the day after the motion is denied, or from service of notice
20 of the order denying a new trial, when such notice is necessary.

21 Art. 5022.5. Hearing of appeal or writ; judgment

22 A. Appeals and writs to the court of appeal shall be based solely on the
23 record of the lower court and on memoranda and attached exhibits from the parties.
24 There shall be no oral argument before the three-judge panel.

25 B. The bond required to be posted for a suspensive appeal shall be one and
26 one-half of the amount of the judgment. The appeal bond shall be forfeited if the
27 appeal is denied or the lower court decision is affirmed.

1 C.(1) The court of appeal shall render judgment on a writ application within
2 seven days of receipt of the record from the lower court and of all memoranda and
3 exhibits from the parties.

4 (2) The court of appeal shall render judgment on an appeal within sixty days
5 of receipt of the record from the lower court and of all memoranda and exhibits from
6 the parties.

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)]

HB 597 Original

2025 Regular Session

Robby Carter

Abstract: Enacts the Speedy Tort Claims Act.

Proposed law enacts the Speedy Tort Claims Act, and provides for the establishment of a speedy tort claims division in the judicial district courts.

Proposed law authorizes judicial district courts to establish a speedy tort claims division that has limited subject matter jurisdiction and a monetary jurisdiction limited to a maximum of \$50,000.

Proposed law provides for the qualifications and selection of a magistrate judge by a majority vote of the judges of the judicial district, and provides for the salary to be paid from the judicial expense fund of the judicial district court.

Proposed law establishes the jurisdiction, venue, and civil procedures applicable to the speedy claims division.

Proposed law provides for the use of the guidelines for treatment and medical reimbursement schedule established in La. Administrative Code applicable to workers compensation claims.

Proposed law provides procedures for the taking of writs and appeal of judgments to the courts of appeal, but prohibits appeals to the supreme court.

(Adds C.C.P. Arts. 5020.1-5022.5)