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**HOUSE COMMITTEE AMENDMENTS**

2025 Regular Session

Substitute for Original House Bill No. 287 by Representative Bacala as proposed by the House Committee on Civil Law and Procedure

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To enact R.S. 9:2800.30, relative to the recovery of certain damages arising out of an automobile accident; to define certain terms; to provide for limitations of liability; to provide for recoverable amounts; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.30 is hereby enacted to read as follows:

§2800.30. Limitation of liability; failure to use applicable health insurance coverage; automobile accidents

A. For the purposes of this Section, "health insurance coverage" means benefits consisting of healthcare services provided through insurance, reimbursement, or otherwise which includes items and services paid for as healthcare services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a health issuer, the Office of Group Benefits, Medicare, Medicaid, or equivalent state health plans.

B. In any action for recovery of past medical expenses arising out of an automobile accident, if the claimant has applicable health insurance coverage and the claimant failed to utilize the health insurance coverage, the recovery of past medical expenses shall not exceed one hundred twenty percent of the applicable Medicare rate for the medical services provided. If there is no applicable Medicare rate, the recovery of past medical expenses shall not exceed one hundred seventy percent of the applicable Medicaid rate for the medical services provided.

C. The provisions of this Section shall not apply to claims made pursuant to the Louisiana Workers' Compensation Law as provided in R.S. 23:1020.1 et seq.

Section 2. This Act shall be applicable to causes of action filed on or after 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 287 Original

2025 Regular Session

**Abstract:** Provides relative to recovery of damages in an automobile accident when a claimant does not use available health insurance.

Proposed law provides the definition of "health insurance coverage".

Proposed law provides that the recovery of past medical expenses shall not exceed 120% of the applicable Medicare rate for the medical services provided if the claimant does not use available health insurance. If there is no applicable Medicare rate, the recovery of past medical expenses shall not exceed 170% of the applicable Medicaid rate for the medical services provided.

Proposed law does not apply to claims made pursuant to the Louisiana Workers' Compensation Law as provided in R.S. 23:1020.1 et seq.

Effective Jan. 1, 2026.

(Adds R.S. 9:2800.30)