



# THE CHESAPEAKE GROUP, LLC

A GOVERNMENTAL RELATIONS FIRM

## Legislative Update 2024 Legislature, Regular Session Louisiana Motor Transport Association

### House Floor:

**HB 24 (Passed-Y:76/N:23)** by Micheal Melerine→Provides relative to evidentiary presumptions in personal injury claims. Eliminates the presumption of causation established by lack of prior history of an injury. Provides that the lack of a prior history of an illness or injury shall not create a presumption that an illness or injury was caused by the act that is the subject of the claim.

Proposed law does not apply to the Louisiana Workers' Compensation Law.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1356838>

**HB 315 (Passed-Y:83/N:18)** by Mike Johnson→Relative to tort actions. Changes prescriptive periods for tort actions from one year to two-years.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1357651>

**HB 336 (Passed-Y:83/N:17)** by Emily Chenevert→The proposed law establishes the Litigation Financing Disclosure Act, defining terms like "attorney" and "litigation financier". It mandates disclosure of litigation financing contracts by parties or their attorneys. Exceptions are made for nonprofit legal organizations seeking injunctive relief, protecting their donors' anonymity. The law allows discovery of litigation financing in civil cases and requires disclosure of relationships between attorneys and financiers in class actions. Violations nullify financing contracts, but nonprofits funded for pro bono work are exempt.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1356874>

**HB 337 (Passed-Y:85/N:16)** by Jack McFarland→Provides that in direct action cases, an action is filed against the insured first and may be filed against the insurer under limited circumstances. The proposed bill amends Louisiana law regarding direct actions against insurers, specifying circumstances for direct action against insurers alone, interrupting prescription upon filing against insured, and prohibiting insurer names in case captions or jury disclosure of insurance coverage. It clarifies that liability policies are for the benefit of all injured parties and aims to streamline procedures for seeking compensation from insurers in liability cases.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1359279>

**HB 423 (Passed-Y:88/N:10)** by Michael Melerine→Provides for the payment of recoverable medical expenses from collateral sources. Makes changes to current law by deleting the requirement that the court shall award the claimant 40% of the difference between the amount billed and the amount actually paid to the contracted medical provider by a health insurance issuer or Medicare. Removes present law which provides that the jury is only informed of the amount billed by a medical provider and evidence of another source agreeing to pay shall not be disclosed.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1357766>

**HB 695 (Passed-Y:103/N:0)** by Bryan Fontenot→The proposed law introduces a special overweight permit for trucks transporting earthen materials for government-funded levee projects. This permit, valid for one year, requires applicants to specify routes and project details, with a fee of \$1,000 per project. Vehicles must not exceed a gross weight of 70,000 lbs., with specific axle weight limits. Violations may incur civil penalties. "Earthen materials" encompass minerals, rocks, and soil. The secretary can establish enforcement rules, and municipal or parish ordinances on weight limits for local streets or roads remain unaffected. Amendments include adjustments to weight limits and clarifications on local ordinances' authority.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1357773>

## **Senate Floor:**

**SB 10 (Passed-Y:37/N:0)** by Thomas Pressly→Provides for the recognition of separate legal personalities among affiliated corporations and other business entities. The proposed law safeguards the separate legal identity of business organizations unless there are legitimate reasons to disregard it, similar to those applied when disregarding a business's separate identity in relation to individuals. Circumstances such as common control, directors, or financial ties between businesses wouldn't alone justify disregarding their separate identity. It defines "business organization" broadly and doesn't affect actions by the insurance commissioner or laws permitting consolidation. The law applies prospectively to all existing and future business entities, preserving their legal autonomy unless exceptional circumstances warrant otherwise.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1356104>

**SB 16 (Passed-Y:38/N:0)** by Thomas Pressly→Provides for expert testimony. Aims to amend the introductory paragraph of Code of Evidence Act Article.702 by introducing a new burden of proof. Requires expert witnesses to provide the factual basis for their testimony upon request, not only in the context of a deposition as previously required, but also during a pre-trial hearing. The amendment enhances the disclosure requirements for draft expert reports and provides guidelines for the timing of such disclosures.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1355860>

**SB 260 (Passed-Y:37/N:0)** by Heather Cloud→Provides for amending and transferring commercial truck permits. The proposed amendment enables the modification and transfer of commercial truck permits. Upon request, the secretary will issue a special permit allowing a single vehicle or combination to operate. It introduces a "multi-use permit," transferable among vehicles owned by the same company. Provides the department shall allow permits to be amended or transferred between vehicles four times a year. Additionally, the amendment mandates associating the unique identifier of the multi-use permit with the permit holder's USDOT number.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1356389>

## **House Insurance:**

**HB 511 (Favorably)** by John Illg, Jr→Requires proper completion and retention of the uninsured motorist form for rejection of coverage. Authorize insurers to require the producer of record to obtain the uninsured motorist form signed by the named insured.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1358469>

## **Senate Judiciary A:**

**SB 303 (Withdrawn)** by Robert Allain→Provides for a limitation on general damages. provides for a \$500,000 limitation for general damages, excluding special or economic damages, in civil suits. Contains definitions of technical terms such as “general damages”. Effective date August 1, 2024.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1352683>

**SB 334 (Voluntarily Deferred)** by Kirk Talbot→Provides relative to certain prescriptive periods for delictual actions. Modifies Louisiana's Civil Code by extending the prescriptive period for delictual actions, including damage to immovable property, from one year to two years. It introduces Article 1424.1 to the Code of Civil Procedure, obligating plaintiffs in personal injury cases to notify insurers and defendants in writing within 90 days of receiving accident-related medical treatment. Failure to comply renders medical evidence inadmissible and prohibits recovery. The bill also grants insurers and defendants the prerogative to conduct pre-suit discovery, encompassing examinations under oath of the plaintiff and their treating physicians.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1352746>

**SB 355 (Favorably)** by Jeremy Stine→Provides for regulation of litigation funding by a third party that is a foreign person, state, or wealth fund. The proposed law, effective August 1, 2024, establishes regulations under Chapter 2-C of Title 12 of the Louisiana Revised Statutes, specifically addressing litigation funding by foreign entities. It defines terms like "foreign person," "foreign state," and "foreign sovereign wealth fund" and requires disclosure of funding sources in civil actions involving such entities. Violations result in agreements being voided and considered unfair trade practices. The Attorney General is empowered to enforce compliance, impose penalties, and issue reports on foreign involvement in litigation financing annually. The law applies prospectively, with amendments clarifying technicalities and terminology.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1358244>

## **Senate Labor:**

**SB 293 (Favorably)** by Rick Edmonds→Provides primary point of contact for workforce solutions. The bill establishes Chapter 11-A of Title 23 in the Louisiana Revised Statutes, focusing on workforce solutions. It designates the Louisiana Workforce Commission as responsible for coordinating business workforce solutions across state agencies. The Commission will collaborate with various educational and workforce entities to address state workforce and economic development needs. Goals include streamlining employer access to workforce solutions, facilitating internships for college and high school students, and forecasting workforce shortages. Collaboration, reporting, and engagement with industrial sectors are emphasized to

enhance workforce development efforts statewide, aiming for increased educational attainment by 2030. Effective August 1, 2024.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1352663>

## **Senate Transportation:**

**SB 354 (Removed from hearing)** by Robert Owen→Provides for increased signage and penalties

for driving in left lane on the state highways. Proposal requires the placement of signs on state highways instructing slower drivers to keep right. Introduces a higher fine, of \$200, for driving in the left lane in violation of the law.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1352786>