



THE CHESAPEAKE GROUP, LLC

A GOVERNMENTAL RELATIONS FIRM

Legislative Update 2024 Legislature, Regular Session Louisiana Motor Transport Association

Signed by Governor:

HB 431 (Act. No 15) by Emily Chenevert→The proposed bill changes Louisiana's pure comparative fault system to a modified comparative fault system with a 51% bar to recovery, effective January 1, 2026. Under the new system, if a plaintiff is found to be 51% or more at fault, they are barred from recovering damages. If the plaintiff's fault is less than 51%, their recoverable damages are reduced in proportion to their degree of fault. The bill enacts Civil Code Article 2323(D), which requires that juries be instructed on the effect of this fault allocation rule. Amendments provide technical changes and clarify the fault threshold.

Read full provisions here:

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1419039>

Read adopted amendments here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1407072>

<https://legis.la.gov/legis/ViewDocument.aspx?d=1414026>

HB 434 (Act. No 16) by Jason DeWitt→The proposed bill raises recovery limitations for uninsured drivers, increasing the no-recovery threshold from \$15,000 (bodily injury) and \$25,000 (property damage) to \$100,000. Uninsured drivers awarded damages up to this amount are responsible for court costs. Insurers retain subrogation rights for amounts exceeding \$100,000, regardless of whether a lawsuit is filed. House Committee Amendments clarify these subrogation rights and make technical changes. A new amendment exempts drivers from the recovery limitation if their lapse in coverage was 10 days or less and resulted from a payment timely mailed but not received.

Read full provisions here:

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1419041>

Read adopted amendment here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1405605>

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1414130>

HB 436 (Act. No 17) by Gabe Firment→The proposed bill prohibits unauthorized aliens from receiving general damages and compensation for past and future wages in automobile accident claims. However, it allows them to recover other special damages. An "unauthorized alien" is defined as someone unlawfully present in the U.S. under federal law. The bill adds this provision to Louisiana Civil Code Article 2315.12. The amendment clarifies that this restriction does not

apply to claims made under uninsured or underinsured motorist policies if the unauthorized alien is a named insured.

Read full provisions here:

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1418209>

Read adopted amendment here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1415640>

HB 450 (Act. No 18) by Michael Melerine→The proposed bill eliminates a presumption of causation of injuries in certain circumstances. The proposed bill aims to eliminate the ability of a claimant to prove damages by relying on presumptions such as prior good health, the persistence of injury after the incident, or a reasonable causal link. It requires claimants to affirmatively prove every element of their damages claim. The law applies prospectively, excludes workers' compensation cases, and is intended to overrule the *Housley v. Cerise* decision. House floor amendment provide clarification that the lack of a prior history of an illness, injury, or condition shall not create a presumption that an illness, injury, or condition was caused by the act that is the subject of the claim.

Read full provisions here:

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1419043>

Read adopted amendment here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1407331>

HB 549 (Act. No 19) by Rodney Schamerhorn→The proposed bill requires a premium discount for policyholders of commercial motor vehicles with installed dashboard cameras and telematics systems. The proposed bill aims to improve public safety, reduce insurance fraud, and lower claims costs by incentivizing the use of dashboard cameras paired with telematics systems in commercial motor vehicles. It requires insurers authorized to issue commercial motor vehicle liability policies in Louisiana to offer actuarially justified premium discounts for vehicles equipped with such technology. The proposed bill outlines qualification criteria, including proof of installation, continuous operation, and annual compliance verification through telematics reports or affidavits. It further mandates annual reporting by insurers to the commissioner, with summarized findings submitted to legislative committees, and takes effect January 1, 2026. House floor amendment provides exemptions for surplus lines insurers from the proposed bill.

Read full provisions here:

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1419045>

Read adopted amendment here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1408961>

Awaiting Governor's Signature:

SB 11 (Enrolled) by Jay Luneau→The proposed bill removes the requirement that a vehicle must be traveling 10 miles per hour or less below the speed limit in the left lane to be subject to penalties. It increases the fines for such violations to \$150 for a first offense, \$250 for a second offense, and \$350 for a third offense. Additionally, it allows for up to 30 days of imprisonment for a third offense within 12 months of the first. The bill becomes effective on August 1, 2025. The bill passed the Senate floor with a vote of Y:78/N:15.

Read full provisions here:

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1418850>

House Floor:

SB 111 (Passed-Y:58/N:42) by Alan Seabaugh→The proposed bill modifies existing insurance law by limiting when a cause of action for bad faith can be brought against an insurer. While

current law establishes a duty of good faith and fair dealing, the bill specifies that no bad faith claim may arise in personal or bodily injury cases unless a third party has made a settlement offer within policy limits and allowed the insurer at least 30 days to respond. The bill removes language shielding insurers from liability solely due to policy compliance and takes effect August 1, 2025. Technical and clarifying amendments were adopted.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1411952>

Read adopted amendments here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1411952>

<https://legis.la.gov/legis/ViewDocument.aspx?d=1411482>

Senate Floor:

HB 291 (Passed-Y:36/N:0) by Jay Galle→The proposed bill provides relative to prescriptive periods for wrongful death and survival actions. This bill extends the time allowed to file survival and wrongful death actions in Louisiana from one year to two years. It amends Civil Code Articles 2315.1 and 2315.2 to reflect the new two-year prescriptive period. Amendments make technical corrections and clarify that medical malpractice survival and wrongful death actions remain subject to R.S. 9:5628 or prescribe one year from the death of the deceased, respectively, rather than the longer two-year injury-based period that applies to other actions.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1409159>

Read adopted amendment here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1409031>

<https://legis.la.gov/legis/ViewDocument.aspx?d=1408980>

<https://legis.la.gov/legis/ViewDocument.aspx?d=1414063>

HB 401 (Passed-Y:38/N:0) by Kellee Dickerson→The proposed bill maintains the commissioner of insurance's authority to assess fees on insurers' direct premiums but removes the requirement to reduce those fees based on excess funding of insurance fraud programs. It also eliminates the provision guaranteeing certain state entities the same funding in the following year if they used all their previous allocation. Additionally, it changes the handling of leftover funds in the Insurance Fraud Investigation Dedicated Fund Account by requiring unspent and uncommitted funds to remain in the account at the end of the fiscal year, instead of being refunded to insurers. The bill takes effect upon the governor's approval.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1409688>

HB 438 (Passed-Y:36/N:0) by Gabe Firment→The proposed bill modifies the definition of "expenses" for insurance rate setting by excluding "institutional advertising expenses." These are advertising costs not directly related to acquiring business or informing consumers about insurance products. Starting January 1, 2026, insurers cannot use these expenses when determining whether their rates are excessive, inadequate, or discriminatory.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1407578>

House Insurance:

SB 61 (Favorably as Amended) by Jay Luneau→The proposed bill addresses the use of credit information in underwriting and rating personal insurance policies such as auto, homeowners, and recreational vehicle coverage. It retains existing requirements for insurers to disclose their use of credit data and to notify consumers of adverse actions, while making technical revisions. The bill

adds a new requirement for insurers to provide consumers with a copy of the credit information used during application or renewal. Amendments clarify notification procedures, adjust effective dates, and mandate compliance with disclosure standards. The bill becomes effective July 1, 2026.

Read full provisions here:

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1412473>

Read adopted amendments here:

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1412376>

<https://www.legis.la.gov/legis/ViewDocument.aspx?d=1418930>

Senate Insurance:

HB 258 (Favorably) by Sylvia Taylor→The proposed bill reinforces existing law that prohibits insurers from raising automobile liability insurance premiums solely because a policyholder is 65 or older. It introduces a penalty of up to \$10,000 for each violation of this rule. Additionally, the bill amends the enforcement language to clarify that violations may also be subject to any penalty or regulatory action authorized by the commissioner under current law. The amendment modifies R.S. 22:1286 and includes updated language on enforcement authority.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1412662>

Read adopted amendments here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1411891>

Senate Judiciary A:

HB 336 (Voluntarily Deferred) by Roger Wilder→The proposed bill amends venue rules for lawsuits involving uninsured and underinsured motorist policies. It overrides existing laws to specify that such actions must be filed in the parish where the wrongful act occurred or where the defendant resides, rather than where the insured lives—unless the lawsuit targets only the motorist policy. It also modifies venue provisions in cases of insurer direct actions, updating how and where these cases can proceed.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1406862>

HB 435 (Voluntarily Deferred) by Peter Egan→The proposed law limits recovery of general damages to \$5,000,000 per claimant in suits arising from delictual actions. It defines "general damages" and "special damages" and specifies that juries will not be informed of this cap, though courts must reduce any awards exceeding the limit. The bill specifies that it does not create a new cause of action or define recoverable damages. House committee amendment changes the law's applicability from liability policy claims to delictual damage suits.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1407139>

Read adopted amendment here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1407064>

HB 440 (Voluntarily Deferred) by Chance Henry→The proposed bill requires insured claimants to first file a medical claim with their personal health insurer or Medicare/Medicaid when injured in an automobile accident. The claimant's insurer or government provider can then subrogate against the automobile liability insurer. If the claimant fails to use available health insurance, a rebuttable presumption is created that they failed to mitigate damages. If the presumption stands, the damage award may be reduced based on the medical expenses that could have been covered

by insurance. This law applies only prospectively and excludes medical malpractice claims. Effective January 1, 2026.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1403634>

Read adopted amendments here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1406178>

HB 443 (Voluntarily Deferred) by Chance Henry→The proposed bill provides relative to notices required in a delictual action. The proposed bill requires a plaintiff's attorney to send written notice to the defendant within 20 business days of being retained, if the defendant has insurance that may cover damages. The notice must include key details about the plaintiff and the incident. Attorneys who fail to comply may face sanctions. House committee amendments remove the requirement that a defendant's insurer be notified if the plaintiff retains counsel. House floor amendments increase the period of time in which counsel shall send written notification to the defendant from 10 days to 20 days.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1409183>

Read adopted amendments here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1405602>

<https://legis.la.gov/legis/ViewDocument.aspx?d=1409052>

HB 449 (Voluntarily Deferred) by Josh Carlson→The proposed bill requires attorneys who are not the attorney of record and who expect to earn \$1,000 or more—excluding fees for legal services in the case—to disclose their financial interest in the case to the court. It mandates disclosure whether the interest is personal or through a business entity and makes such disclosures discoverable. It nullifies any nondisclosure agreements that would prevent these required disclosures and clarifies that compliance with the law does not violate the Uniform Trade Secrets Act. Amendments removed the requirement for court officers to report violations to the Louisiana Attorney Disciplinary Board and made technical changes.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1409454>

Read adopted amendment here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1407080>

<https://legis.la.gov/legis/ViewDocument.aspx?d=1408779>

SB 148 (Voluntarily Deferred) by Blake Miguez→The proposed bill requires that any defendant who has all causes of action against them dismissed—either through a dispositive motion or exception before trial, or after trial—must be awarded a judgment for the full amount of costs and attorney fees incurred in their defense. This applies to every plaintiff who filed the dismissed action. The bill aims to ensure compensation for defendants who successfully defend against all claims. It becomes effective August 1, 2025.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1404164>

Senate Transportation:

HB 687 (Favorably) by Mark Wright→The proposed bill authorizes the Port of New Orleans to use public-private partnerships for the development of the St. Bernard Transportation Corridor roadway. This project aims to support commercial traffic to the Louisiana International Terminal, serve as a local alternative route, and enhance emergency evacuation. It includes bridges, elevated roads, drainage systems, utility relocations, and more. The board may acquire property, accept funding, and charge user fees. The amendments clarify that "board" refers to the Port's commissioners and require legislative committee approval for final partnership agreements.

Read full provisions here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1416187>

Read adopted amendment here:

<https://legis.la.gov/legis/ViewDocument.aspx?d=1415293>