
DIGEST

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HB 692 Original

2020 Regular Session

Seabaugh

Abstract: Provides for reduced damages for amounts paid or payable from collateral sources including national and state-funded benefits, Worker's Compensation payments, and negotiated reductions and write-offs.

Present law (C.E. 409) provides that evidence of furnishing or offering to pay expenses are not admissible to mitigate, reduce, or avoid liability.

Proposed law allows payment from collateral sources, as defined by proposed law, to be admissible.

Present law does not prohibit recovery of damages payable from collateral sources.

Proposed law (R.S. 9:2800.25) provides that the plaintiff is not entitled to any amount that duplicates, replaces, or eliminates benefits from sources other than the tortfeasor or tortfeasor's insurer.

Proposed law provides that the plaintiff is entitled to only the out-of-pocket expenses actually incurred.

Proposed law provides that collateral sources include contractual write-offs and negotiated reductions or discounts, health insurance, Worker's Compensation, and national and state-sponsored benefits.

Proposed law provides that any benefit received from collateral sources shall be disclosed to the trier of fact.

Proposed law provides that future costs and expenses shall be reduced or eliminated in accordance with proposed law.

Proposed law provides that the provisions of proposed law are not applicable to plaintiffs who self-fund.

(Amends C.E. Art. 409; Adds R.S. 9:2800.25)