

Regular Session, 2010

HOUSE BILL NO. 899

BY REPRESENTATIVE PONTI

WORKERS COMPENSATION: Provides relative to the scope and operation of Louisiana's workers' compensation system

1 AN ACT

2 To enact R.S. 23:1020.1, relative to workers' compensation; to provide for a purpose; to  
3 provide for a burden of proof; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 23:1020.1 is hereby enacted to read as follows:

6 §1020.1. Purpose; construction; burden of proof

7 A. This Chapter shall be referred to and cited as the "Louisiana Workers'  
8 Compensation Law".

9 B. The legislature hereby declares that the laws pertaining to workers'  
10 compensation are to be construed in accordance with the basic principles of statutory  
11 construction and not in favor of one party over another.

12 C. The burden of proof in disputes concerning workers' compensation cases  
13 shall be by a preponderance of the evidence and shall be on the person seeking relief  
14 pursuant to the provisions of this Chapter, unless otherwise specifically provided by  
15 applicable provisions in this Chapter.

16 D. Unless a presumption of fact is specifically provided under this Chapter,  
17 no presumption shall be established in favor of one party over another.

18 Section 2. This Act shall become effective upon signature by the governor or, if not  
19 signed by the governor, upon expiration of the time for bills to become law without signature  
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.
- 

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)]

---

Ponti

HB No. 899

**Abstract:** Provides for the "La. Workers' Compensation Law" and its purpose. Establishes a burden of proof for workers' compensation disputes.

Present law provides relative to the functioning of the workers' compensation system in La.

Proposed law creates a purpose for the law and establishes a burden of proof for workers' compensation disputes. Also provides the laws shall not be construed in favor of either the employee or employer. Also provides the burden of proof shall be by a preponderance of the evidence and shall be on the person claiming benefits or relief.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 23:1020.1)