

Regular Session, 2014

SENATE BILL NO. 73

BY SENATOR MORRISH

CIVIL PROCEDURE. Provides certain limitations upon civil jury trials in suits arising from vehicular accidents. (8/1/14)

1 AN ACT
2 To amend and reenact Code of Civil Procedure Article 1732, relative to civil jury trials; to
3 provide certain limitations upon jury trials; to provide certain terms, conditions and
4 procedures; to provide for a minimum amount of a cause of action in a suit arising
5 from a vehicular accident; to provide certain exceptions; to provide for a reduction
6 over a period of time of such minimum amounts; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Art. 1732 is hereby amended and reenacted to
9 read as follows:

10 Art. 1732. Limitation upon jury trials

11 A trial by jury shall not be available in **the following matters**:

12 (1) ~~A~~ **Unless subject to the provisions of Paragraph (2), a** suit where the
13 amount of no individual petitioner's cause of action exceeds fifty thousand dollars
14 exclusive of interest and costs, except as follows:

15 (a) If an individual petitioner stipulates or otherwise judicially admits sixty
16 days or more prior to trial that the amount of the individual petitioner's cause of
17 action does not exceed fifty thousand dollars exclusive of interest and costs, a

1 defendant shall not be entitled to a trial by jury.

2 (b) If an individual petitioner stipulates or otherwise judicially admits for the
3 first time less than sixty days prior to trial that the amount of the individual
4 petitioner's cause of action does not exceed fifty thousand dollars exclusive of
5 interest and costs, any other party may retain the right to a trial by jury if that party
6 is entitled to a trial by jury pursuant to this Article and has otherwise complied with
7 the procedural requirements for obtaining a trial by jury.

8 (c) Notwithstanding ~~Subsubparagraphs~~ **Subparagraphs** (a) and (b) of this
9 ~~Subparagraph~~ **Paragraph**, if, as a result of a compromise or dismissal of one or more
10 claims or parties which occurs less than sixty days prior to trial, an individual
11 petitioner stipulates or otherwise judicially admits that the amount of the individual
12 petitioner's cause of action does not exceed fifty thousand dollars exclusive of
13 interest and costs, a defendant shall not be entitled to a trial by jury.

14 **(2)(a) On or after January 1, 2015, through December 31, 2015, a suit**
15 **arising from a vehicular accident where the amount of no individual petitioner's**
16 **cause of action exceeds forty thousand dollars, exclusive of interest and costs.**
17 **The exceptions set forth in Paragraph (1)(a) through (c) shall apply to suits**
18 **subject to this Subparagraph, except that the amount of forty thousand dollars**
19 **rather than fifty thousand dollars shall be used in determining the applicability**
20 **of such exceptions.**

21 **(b) On or after January 1, 2016, through December 31, 2016, a suit**
22 **arising from a vehicular accident where the amount of no individual petitioner's**
23 **cause of action exceeds thirty thousand dollars, exclusive of interest and costs.**
24 **The exceptions set forth in Paragraph (1)(a) through (c) shall apply to suits**
25 **subject to this Subparagraph, except that the amount of thirty thousand dollars**
26 **rather than fifty thousand dollars shall be used in determining the applicability**
27 **of such exceptions.**

28 **(c) On or after January 1, 2017, through December 31, 2017, a suit**
29 **arising from a vehicular accident where the amount of no individual petitioner's**

1 cause of action exceeds twenty thousand dollars, exclusive of interest and costs.

2 The exceptions set forth in Paragraph (1)(a) through (c) shall apply to suits
3 subject to this Subparagraph, except that the amount of twenty thousand
4 dollars rather than fifty thousand dollars shall be used in determining the
5 applicability of such exceptions.

6 (d) On or after January 1, 2018, through December 31, 2018, a suit
7 arising from a vehicular accident where the amount of no individual petitioner's
8 cause of action exceeds ten thousand dollars, exclusive of interest and costs. The
9 exceptions set forth in Paragraph (1)(a) through (c) shall apply to suits subject
10 to this Subparagraph, except that the amount of ten thousand dollars rather
11 than fifty thousand dollars shall be used in determining the applicability of such
12 exceptions.

13 (e) On or after January 1, 2019, any suit arising from a vehicular
14 accident.

15 ~~(2)~~(3) A suit on an unconditional obligation to pay a specific sum of money,
16 unless the defense thereto is forgery, fraud, error, want, or failure of consideration.

17 ~~(3)~~(4) A summary, executory, probate, partition, mandamus, habeas corpus,
18 quo warranto, injunction, concursus, workers' compensation, emancipation,
19 tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce
20 proceeding.

21 ~~(4)~~(5) A proceeding to determine custody, visitation, alimony, or child
22 support.

23 ~~(5)~~(6) A proceeding to review an action by an administrative or municipal
24 body.

25 ~~(6)~~(7) All cases where a jury trial is specifically denied by law.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Morrish (SB 73)

Present law provides that a trial by jury shall not be available in the following civil cases:

- (1) A suit on an unconditional obligation to pay a specific sum of money, unless the defense thereto is forgery, fraud, error, want, or failure of consideration.
- (2) A summary, executory, probate, partition, mandamus, habeas corpus, quo warranto, injunction, concursus, workers' compensation, emancipation, tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce proceeding.
- (3) A proceeding to determine custody, visitation, alimony, or child support.
- (4) A proceeding to review an action by an administrative or municipal body.
- (5) All cases where a jury trial is specifically denied by law.

Proposed law retains present law.

Present law further provides that in a suit where the amount of no individual petitioner's cause of action exceeds the threshold amount of \$50,000, no trial by jury shall be available, with the following exceptions:

- (1) If an individual petitioner stipulates or otherwise judicially admits 60 days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.
- (2) If an individual petitioner stipulates or otherwise judicially admits for the first time less than 60 days prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is entitled to trial by jury pursuant to present law and has otherwise complied with the procedural requirements for obtaining a trial by jury.
- (3) Notwithstanding the exceptions noted in paragraphs (1) and (2) above, if, as a result of compromise or dismissal of one or more claims or parties that occurs less than 60 days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

Proposed law retains present law including the three exceptions, except for suits arising from a vehicular accident as follows:

- (1) On or after January 1, 2015, through December 31, 2015, no jury trial shall be available for a suit arising from a vehicular accident where the amount of no individual petitioner's cause of action exceeds \$40,000 exclusive of interest and costs. The three exceptions set forth in the present law shall be applicable, except the sum of \$40,000 instead of \$50,000 is to be used in the calculations to determine applicability.
- (2) On or after January 1, 2016, through December 31, 2016, no jury trial shall be available for a suit arising from a vehicular accident where the amount of no

- individual petitioner's cause of action exceeds \$30,000 exclusive of interest and costs. The three exceptions set forth in the present law shall be applicable, except the sum of \$30,000 instead of \$50,000 is to be used in the calculations to determine applicability.
- (3) On or after January 1, 2017, through December 31, 2017, no jury trial shall be available for a suit arising from a vehicular accident where the amount of no individual petitioner's cause of action exceeds \$20,000 exclusive of interest and costs. The three exceptions set forth in the present law shall be applicable, except the sum of \$20,000 instead of \$50,000 is to be used in the calculations to determine applicability.
- (4) On or after January 1, 2018, through December 31, 2018, no jury trial shall be available for a suit arising from a vehicular accident where the amount of no individual petitioner's cause of action exceeds \$10,000 exclusive of interest and costs. The three exceptions set forth in the present law shall be applicable, except the sum of \$10,000 instead of \$50,000 is to be used in the calculations to determine applicability.
- (5) On or after January 1, 2019, any suit arising from a vehicular accident.

Effective August 1, 2014.

(Amends C.C.P. Art. 1732)