

House Committee on Civil Law and Procedure

Minutes of Meeting
2025 Regular Session
April 15, 2025

I. CALL TO ORDER

Representative Nicholas Muscarello, Jr., chair of the House Committee on Civil Law and Procedure, called the meeting to order at 9:32 a.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Nicholas Muscarello, Jr., chair
Representative Chad Brown
Representative Josh Carlson
Representative Wilford Dan Carter, Sr.
Representative Emily Chenevert
Representative Kathy Edmonston
Representative Peter F. Egan, Sr.
Representative Brian Leonard Glorioso
Representative Michael T. Johnson
Representative Ed Larvadain, III
Representative Michael Melerine
Representative Sylvia Elaine Taylor
Representative Christopher Turner, vice chair
Representative Lauren Ventrella
Representative Mark Wright
Representative John E. Wyble

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Allison Alonzo, attorney
Jennifer Nguyen, attorney
Andrea Jerezano, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Cheryl Domino, sergeant at arms
Martin Mapp Jr., sergeant at arms
Michael McCain, clerk
Harry Mulcahy, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 291 by Representative Galle**

Representative Galle presented House Bill No. 291, which provides relative to prescriptive periods for wrongful death and survival actions.

Representative Muscarello offered a motion to report House Bill No. 291 favorably. Without objection, House Bill No. 291 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 1 in opposition, and 1 designee of an elected official. Witness cards are included in the committee records.

House Bill No. 434 by Representative Dewitt

Representative Dewitt presented House Bill No. 434, which provides relative to recovery limitations for failure to maintain compulsory motor vehicle liability security.

Representative Muscarello offered amendments to:

- (1) Make technical changes.
- (2) Provide that no insurer shall lose subrogation rights for claims paid under the applicable insurance policy for recovery in excess of the first \$100,000 of bodily injury and property damages.
- (3) Provide that in claims where no suit is filed, the insurer shall have all rights to recover any amount paid for the recovery in excess of the first \$100,000 of bodily injury and property damages.

Representative Muscarello offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives

Brown, Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Representative Wyble offered a motion to report House Bill No. 434 with amendments, to which Representative Larvadain objected. The administrative assistant called the roll, and House Bill No. 434 was reported with amendments by a vote of 11 yeas, 2 nays, and 1 abstention. Representatives Brown, Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, Wright, and Wyble voted yea. Representatives Larvadain and Taylor voted nay. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 27 in support, 1 in opposition, and 1 designee of an elected official. Witness cards are included in the committee records.

House Bill No. 450 by Representative Melerine

Representative Melerine presented House Bill No. 450, which provides relative to evidentiary presumptions in personal injury claims.

Representative Mike Johnson offered a motion to report House Bill No. 450 favorably. Without objection, House Bill No. 450 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, Wright, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 48 in support, 1 in opposition, and 1 designee of an elected official. Witness cards are included in the committee records.

House Bill No. 443 by Representative Henry

Representative Henry presented House Bill No. 443, which provides relative to certain notifications in delictual actions.

Adam Patrick, Legislative Liaison, Department of Insurance, 1702 N. 3rd Street, Baton Rouge, LA 70802, spoke for information only on House Bill No. 443.

Representative Melerine offered an amendment to remove the requirement that a defendant's insurer be notified if the plaintiff retains counsel. Representative Melerine offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, Wright, and Wyble voted yea. Representative Muscarello abstained.

Baylee Chandler, PIA of Louisiana, 15408 L. Landry Rd., Gonzales, LA 70737, spoke in support of House Bill No. 443.

Drew Fourrier, PIA of Louisiana, P.O. Box 64747, Baton Rouge, LA 70896, spoke in support of House Bill No. 443.

Todd Hine, Hine Environmental Services/LMTA, 4327 Hwy. 27 S., Sulphur, LA 70665, spoke in support of House Bill No. 443.

Jason Spencer, Spencer Contracting LLC, 38418 W. Airline Dr., Prairieville, LA 70769, spoke in support of House Bill No. 443.

Representative Mike Johnson offered a motion to report House Bill No. 443 with amendments, to which Representative Wilford Carter objected. The administrative assistant called the roll, and House Bill No. 443 was reported with amendments by a vote of 11 yeas, 4 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, Ventrella, Wright, and Wyble voted yea. Representatives Brown, Wilford Carter, Larvadain, and Taylor voted nay. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 42 in support and 1 in opposition. Witness cards are included in the committee records.

House Bill No. 34 by Representative Glorioso

Representative Glorioso presented House Bill No. 34, which provides for transparency in medical expenses.

Representative Glorioso offered amendments to make technical changes and to remove the exception to the Medical Malpractice Act. Representative Glorioso offered a motion to adopt the amendments. Without objection, the amendments were adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Representative Glorioso offered an amendment to specify that at trial any party may introduce evidence of the amount billed, the amount paid, or both to establish the basis for an award for medical expenses. Representative Glorioso offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Representative Glorioso presented a PowerPoint, Exhibit A, which is included in the committee records.

Representative Muscarello offered an amendment to reconsider and withdraw the previously adopted amendment to remove the exception to the Louisiana Medical Malpractice Act. Representative Muscarello offered a motion to reconsider and withdraw the previously adopted amendment. Without objection, the previously adopted amendment was reconsidered and withdrawn by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yeas. Representative Muscarello abstained.

Baylee Chandler, PIA of Louisiana, 13408 L. Landry Rd., Gonzales, LA 70737, spoke in support of House Bill No. 34.

Drew Fourrier, PIA of Louisiana, P.O. Box 64747, Baton Rouge, LA 70896, spoke in support of House Bill No. 34.

Clyde J. Bohne, PIA of Louisiana, 11824 Bricksome Ave., Baton Rouge, LA 70816, spoke in support of House Bill No. 34.

Representative Melerine offered amendments to:

- (1) Make technical changes.
- (2) Remove the exception to the Louisiana Medical Malpractice Act.
- (3) Remove the provision that in a jury trial the court may receive evidence related to the limitations of recoverable past medical expenses and that the jury shall be informed only of the amount billed by a medical provider.
- (5) Provide that a letter of protection or guarantee of payment between the healthcare provider and an attorney shall be admissible evidence.

Representative Melerine offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, Ventrella, Wright, and Wyble voted yeas. Representative Muscarello abstained.

Representative Wyble offered a motion to report House Bill No. 34 with amendments, to which Representative Taylor objected. The administrative assistant called the roll, and House Bill No. 34 was reported with amendments by a vote of 11 yeas, 3 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, Ventrella,

Wright, and Wyble voted yea. Representatives Wilford Carter, Larvadain, and Taylor voted nay. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 41 in support, 1 in opposition, 1 for information only, and 1 designee of an elected official. Witness cards are included in the committee records.

House Bill No. 431 by Representative Chenevert

Representative Chenevert presented House Bill No. 431, which provides relative to modified comparative fault.

Representative Muscarello offered an amendment to change the threshold for a plaintiff's bar to recovery from fifty percent to fifty-one percent. Representative Muscarello offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Turner, Ventrella, Wright, and Wyble voted yea. Representative Muscarello abstained.

Sid Degan, Degan, Blanchard, and Nash, 400 Poydras Street, Suite 2600, New Orleans, LA 70130, spoke in support of House Bill No. 431.

James "Jimmy" Ordeneaux, Louisiana Farm Bureau, 701 Poydras St., Suite 3800, New Orleans, LA 70139, spoke in support of House Bill No. 431.

Will Green, Louisiana Association of Business and Industry, 500 Main St., Baton Rouge, LA 70801, spoke in support of House Bill No. 431.

Louis G. Fey, Jr., PIA of Louisiana, 2136 N. Woodchase Ct., Baton Rouge, LA 70808, spoke in support of House Bill No. 431.

Tim Temple, Commissioner, Department of Insurance, 1702 N. 3rd Street, Baton Rouge, LA 70802, spoke in support of House Bill No. 431.

Representative Carlson offered a motion to report House Bill No. 431 with amendments, to which Representative Wilford Carter objected. The administrative assistant called the roll, and House Bill No. 431 was reported with amendments by a vote of 11 yeas, 4 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, Ventrella, Wright, and Wyble voted yea. Representatives Brown, Wilford Carter, Larvadain, and Taylor voted nay. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 53 in support and 1 in opposition. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VII. ADJOURNMENT

The meeting was adjourned at 12:37 p.m.

Respectfully submitted,

Chair Nicholas Muscarello, Jr.
House Committee on Civil Law and Procedure