

Regular Session, 2008

HOUSE BILL NO. 485

BY REPRESENTATIVE LORUSSO

CIVIL/DAMAGES: Provides for civil damages

1 AN ACT

2 To enact Civil Code Article 2315(C), relative to civil damages; to prohibit the recovery of
3 hedonic damages; to prohibit certain jury instructions; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Article 2315(C) is hereby enacted to read as follows:

7 Art. 2315. Liability for acts causing damages

8 * * *

9 C. Damages shall not include hedonic damages or loss of enjoyment of life
10 as a separate category from damages for pain and suffering, and the court shall not
11 instruct a jury in any way that may separate damages for loss of enjoyment from
12 damages for pain and suffering.

13 Section 2. The provisions of this Act are interpretative and shall be applied to all
14 claims existing or actions pending on its effective date and all claims arising or actions filed
15 on and after the effective date of this Act.

16 Section 3. The provisions of this Act are intended to legislatively overrule *McGee*
17 *v. AC&S, Inc.*, 05-1036 (La. 7/10/06), 933 So.2d 770 and all cases consistent therewith.

18 Section 4. 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.
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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)]

Lorusso

HB No. 485

Abstract: Prohibits the recovery of hedonic and loss of enjoyment of life damages and legislatively overrules *McGee v. AC&S, Inc.*, 05-1036 (La. 7/10/06), 933 So.2d 770.

Proposed law provides that damages shall not include the recovery of hedonic or loss of enjoyment of life damages separate from pain and suffering damages.

Proposed law prohibits the court from instructing the jury that these categories of damages are separate and distinct.

Proposed law provides that its provisions are interpretative and shall be applied to all existing and future claims.

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

(Adds C.C. Art. 2315(C))