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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Camille Sebastien Perry.

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## DIGEST

Present law requires the degree or percentage of fault of all persons causing or contributing to the injury, death, or loss of a person to be determined in any action for damages, regardless of whether the person is a party to the action or a nonparty, and regardless of the person's insolvency, ability to pay, immunity by statute, or that the other person's identity is not known or reasonably ascertainable and if a person suffers injury, death, or loss as the result partly of his own negligence and partly as a result of the fault of another person or persons, the amount of damages recoverable shall be reduced in proportion to the degree or percentage of negligence attributable to the person suffering the injury, death, or loss.

Proposed law changes present law by barring a plaintiff from recovery if he is found to be 50% or more at fault and requires a defendant to plead comparative fault as an affirmative defense for the jury to be instructed on or make any findings regarding plaintiff's percentage of fault, but if the defense of comparative fault is not raised the evidence of plaintiff's fault could still be introduced for purposes other than apportionment of damages.

Proposed law provides that these provisions shall not apply to claims arising from events that occurred prior to the effective date of this Act.

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

(Amends C.C. Art. 2323(A))