

Updates from the Legislature

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Civil Justice Reform Act of 2020

2020 First Extraordinary Session

HB 57, Act 37

- Jury Trial Threshold
- Direct Action (liability insurance)
- Collateral source – Past Medicals Only
- Seatbelt inadmissibility is repealed
- 1/1/2021 effective date

Autonomous Commercial Motor Vehicles

2019 Regular Session

HB 455, Act 232

La. R.S. § 32:400.1 Definitions

(1) “Automated driving system” means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

(2) "Autonomous commercial motor vehicle" means a motor vehicle used in commerce and equipped with an automated driving system, including those designed to function without a driver.

(3) "Commerce" means transportation for the purpose of compensation, remuneration, employment, trade, or payment of any thing of value.

(4) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle has a gross combination weight rating of twenty-six thousand one or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds.

[La. R.S. § 32:400.1 Definitions (cont'd)]

(5) "Conventional human driver" means a driver who manually exercises in-vehicle braking, accelerating, steering, and transmission gear selection input devices in order to operate a vehicle.

(6) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic excluding strategic functions such as trip scheduling and selection of destinations and waypoints.

(7) "Minimal risk condition" means a condition to which a user or an automated driving system may bring a vehicle in order to reduce the risk of a crash upon experiencing a failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task.

[La. R.S. § 32:400.1 Definitions (cont'd)]

(8) "Operational design domain" means a description of the specific operating domain in which an autonomous commercial motor vehicle is designed to properly operate including but not limited to roadway types, speed, environmental conditions, and other domain constraints.

(9) "Remote driver" means a natural person who is not seated in an autonomous commercial motor vehicle, but is able to perform the entire dynamic driving task.

[La. R.S. § 32:400.1 Definitions (cont'd)]

(10) "Teleoperation system" means hardware and software installed on a motor vehicle that allow a remote driver to operate the vehicle.

Autonomous Commercial Motor Vehicles – 2019 Regular Session; HB 455 Act No. 232 – 8/1/2019 effective date

§400.4. Owners and operators of an autonomous commercial motor vehicle

The automated driving system of an autonomous commercial motor vehicle and the person or entity required to submit a statement to the Department of Transportation and Development pursuant to the provisions of R.S. 32:400.3(C) shall be subject to all applicable laws, rules, ordinances, and statutes of this state and will be considered to be licensed to operate the vehicle. The person or entity operating the autonomous commercial motor vehicle may be issued a traffic citation or other applicable penalty if the vehicle fails to comply with any traffic or motor vehicle laws of this state

Autonomous Commercial Motor Vehicles – 2019 Regular Session; HB 455 Act No. 232 – 8/1/2019 effective date

§400.6. Remote drivers; teleoperations; compliance

A. When a remote driver is operating a commercial motor vehicle equipped with a teleoperation system, the remote driver shall be considered to be the operator of the vehicle for the purpose of assessing compliance with applicable traffic or motor vehicle laws including the rules of the road.

Autonomous Commercial Motor Vehicles – 2019 Regular Session; HB 455 Act No. 232 – 8/1/2019 effective date

§400.8. Liability; jurisdiction

The provisions of this Part shall not be construed to repeal, modify, or preempt any liability that may be incurred pursuant to existing law applicable to a vehicle owner, operator, manufacturer, component part supplier, or retailer including any law that may apply to jurisdiction for any bodily injury or property damage claims arising out of this Part. All choice of law conflicts with respect to bodily injury or property damage claims shall be resolved in accordance with Louisiana law.

Platooning

2018 Regular Session

HB 308, Act 310

“Platoon” or “platooning” means a group of individual motor vehicles, including any truck, truck-tractor, trailer, semitrailer, or any combination of these vehicles, utilizing vehicle-to-vehicle communication technology to travel in a unified manner at close following distances.

Autonomous Vehicles – Equipment Law Exemption

2022 Regular Session

SB 453, Act 268

Exempts autonomous vehicles designed to be operated exclusively by an automated driving system for all trips from vehicle equipment laws or equipment regulations related to operation by a human driver and not relevant for an automated driving system.
(Adds R.S. 32:378.4)

Personal Delivery Devices

2021 Regular Session

SB 147, Act 214

Regulates and defines personal delivery devices as powered devices that travel at 20 mph or less for transporting cargo and goods and equipped with automated driving technology that enables operation with remote support and supervision of a human being. (Adds R.S. 32:210 - 210.7)

Commercial Policies Waiver – Eroding Policies

2022 Regular Session

SB 428, Act 675

- Authorizes the Commissioner of Insurance to waive the prohibition to reduce liability limits contained in certain policies and contracts due to expenses of defense in a suit under a policy or contract.
- Prohibits waiving the prohibition for all personal lines and medical malpractice.
- Returns the insurance commissioner's discretion - which existed for over forty years – to allow waivers in specified areas.
- Amends R.S. 22:1272.

Louisiana Timber and Agriculture Transportation Group Self-Insurance Funds

2022 Regular Session

SB 437, Act 598

The Act provides for the creation of Louisiana timber and agriculture transportation group self-insurance funds. Oversight is provided by the Louisiana Department of Insurance but the “arrangement shall not be deemed to be an insurer or insurance and shall not be subject to the Louisiana Insurance Code” except for the limited purpose to purchase reinsurance. The fund is not a member of the Louisiana Insurance Guaranty Association.

Failed Legislation

2022 Regular Session

- A. A pre-filed bill seeking to amend Louisiana Code of Civil Procedure Article 1464 failed to pass by a 41/49 House vote. The bill initially removed the requirement for a court order on good cause shown and the article's time, place, manner, conditions, and scope requirements.

Failed Legislation (*cont'd*)

2022 Regular Session

- B. Two bills filed on behalf of Transportation Network Companies (TNCs). Sought to remove any liability of a TNC “for being the company affiliated with a driver” along with ensuring other reduced obligations.

