

Office of the Governor  
State of Louisiana

JOHN BEL EDWARDS  
GOVERNOR



P.O. Box 94004  
BATON ROUGE, LOUISIANA 70804-9004  
(225) 342-7015  
GOV.LA.GOV

June 12, 2020

**VIA HAND DELIVERY**

Honorable Clay J. Schexnayder  
Speaker of the House  
Louisiana House of Representatives  
Post Office Box 94062  
Baton Rouge, Louisiana 70804-9062

RE: Veto of House Bill 597 of the 2020 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 597 of the 2020 Regular Session.

The intent of House Bill 597 is to overrule the 1991 Louisiana Supreme Court decision of *Housley v. Cerise*, 539 So.2d 937 (1991). This case established a presumption of causation of an injury if a party can prove that, before an accident, he or she was in good health, but that after the accident, symptoms of an injury appear and continuously manifest themselves. This presumption is simply an equitable rule that provides for a common sense way for a judge or jury to determine if an injury was caused by an accident. The rule does not relieve the party from proving that an injury occurred or that the defendant in a case was at fault. It further does not prevent the defendant from presenting evidence to rebut the presumption. This jurisprudential rule has stood the test of time and need not be changed.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bel Edwards".

John Bel Edwards  
Governor

cc: Honorable Patrick Page Cortez  
Louisiana Senate President

2020 Regular Session

HOUSE BILL NO. 597

BY REPRESENTATIVES NELSON, ADAMS, AMEDEE, BACALA, BUTLER, CARRIER, CREWS, EDMONDS, EDMONSTON, FARNUM, FIRMENT, FREIBERG, FRIEMAN, GAROFALO, HARRIS, HENRY, HORTON, IVEY, MIKE JOHNSON, MACK, MCCORMICK, MCFARLAND, MIGUEZ, CHARLES OWEN, ROBERT OWEN, SCHAMERHORN, SEABAUGH, WHEAT, AND WRIGHT AND SENATORS CLOUD, MCMATH, AND FRED MILLS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

AN ACT

To enact Civil Code Article 2315.11, relative to the presumption of causation of injuries; to prohibit a presumption of causation in certain circumstances; to provide for prospective application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 2315.11 is hereby enacted to read as follows:

Art. 2315.11. Presumption of causation of injuries

Notwithstanding any other provision of law, in a claim for personal injury damages that is not raised pursuant to the Louisiana Workers' Compensation Law, the lack of a prior history of an illness, injury, or condition shall not create a presumption that an illness, injury, or condition was caused by the act that is the subject of the claim.

Section 2. This provisions of this Act shall have prospective application only and shall not apply to causes of action filed prior to the effective date of this Act.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: WFB  
12 June 2020

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.