Local officials grateful for area solons’ liability bills

Two Acadiana lawmakers are among three members of the Louisiana House of Representatives recently singled out for special praise by the Louisiana Municipal Association for working toward easing the burden of lawsuits on government.


Directly or indirectly, more and more tax dollars are being spent to pay off damage awards in civil suits. The state paid out less than $3 million because of lawsuits in 1978-1979, according to the LMA. This year, state officials expect to shell out $85.2 million in final judgments — an increase of 2,760 percent.

In addition, litigation-plagued public bodies are finding that their insurance costs are becoming prohibitively high as a result of the rising cost of paying legal damages. The most recent example locally was the Iberia Parish School Board, which saw increases of as much as 900 percent in some categories.

A major culprit is the state’s strict liability doctrine. In 1980 the Louisiana Supreme Court ruled that public bodies are legally responsible for damage caused by any defect in their property — roads, bridges, sidewalks, etc.

Thibodeaux authored House Bill 68, designed to repeal the strict liability doctrine. Thibodeaux’s bill would require that public bodies have received actual notice of the defect and be afforded reasonable opportunity to repair it before they could be held liable for damages.

Ackal’s bill (House Bill 65) would place a limit on damage awards. Ackal proposed a $500,000 ceiling on awards, not including awards to cover lost earnings, medical care and related benefits.

Hainkel is recognized for three bills. One (House Bill 57) would allow for judgments against public bodies be paid in installments rather than lump sums, at the court’s discretion.

Another (House Bill 62) would state that low shoulders offer no unreasonable risk if it allows a vehicle to recover to the main part of the highway.

The third (House Bill 1898) provides that interest in suits against public bodies accrues only from the date that the judgement becomes final.

All the bills passed the House. All but House Bill 62 have passed the Senate with amendments and been returned to the House for concurrence. Hainkel’s Bill 62 has been returned to the Senate calendar and is awaiting action.