
DIGEST

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HB 148 Original

2020 Regular Session

Mike Johnson

Abstract: Provides venue for damages arising from delictual actions to be in the parish where any defendant resides or where the cause of action arose.

Present law (C.C.P. Art. 42) provides the general rules of venue for individuals, partnerships, and foreign and domestic corporations and limited liability companies.

Present law (C.C.P. Art. 73) provides that in actions against joint and solidary obligors, venue is proper where the plaintiff is domiciled if the parish of the plaintiff's domicile would be proper under C.C.P. Art. 76 or R.S. 13:3203.

Present law (C.C.P. Art. 76) provides that actions on a health or accident insurance policy may be brought in the parish where the insured is domiciled or where the accident or illness occurred.

Present law (R.S. 13:3203) provides that venue is proper in the parish where the plaintiff is domiciled or any parish of proper venue for nonresidents causing injury or damages in this state by offenses or quasi-offenses.

Present law (R.S. 22:1269) provides that an injured person or his survivors and heirs shall have a right of direct action against the insurer. The action is proper in the parish where the injury occurred or against the insurer under C.C.P. Art. 42.

Present law (R.S. 22:1295.1) provides that the named insured of an uninsured motorist policy and the operator of a motor vehicle shall be solidarily liable for damages caused by the operator's negligent or intentional act when the operator is excluded from coverage on the motor vehicle liability insurance policy pursuant to R.S. 32:900(L).

Proposed law supersedes present law (C.C.P. Art. 42, 73, and 76, R.S. 13:3203, and R.S. 22:1269 and 1295.1) for damages arising from delictual actions.

(Amends C.C.P. Art. 74)