
HOUSE COMMITTEE AMENDMENTS

2020 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 9 by Representative Garofalo

AMENDMENT NO. 1

On page 1, line 2, after "3493.10" and before "Code of" delete the comma "," and insert "and"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, delete "and R.S. 22:1269,"

AMENDMENT NO. 3

On page 1, line 3, after "enact" and before "R.S. 9:2800.25" insert "Code of Civil Procedure Article 425.1 and"

AMENDMENT NO. 4

On page 1, line 7, after "trials; to" and before "the right" delete "repeal" and insert "provide relative to"

AMENDMENT NO. 5

On page 2, line 15, after "reenacted" insert "and Code of Civil Procedure Article 425.1 is hereby enacted"

AMENDMENT NO. 6

On page 2, between lines 16 and 17, insert the following:

"Art. 425.1. Actions against insured defendant

A. A plaintiff shall have a right of action against the defendant's insurer within the terms or limits of the defendant's liability insurance policy; and, such action may be brought against the insurer alone, or against both the insured or insurer jointly and in solido, in the parish in which the accident or injury occurred or in the parish in which the action could be brought against either the insured or the insurer under the general rules of venue prescribed by Code of Civil Procedure 42 only; however, such action may be brought against the insurer alone when at least one of the following applies:

(1) The insured has been adjudged bankrupt by a court of competent jurisdiction or when proceedings to adjudge an insured bankrupt have been commenced before a court of competent jurisdiction.

(2) The insured is insolvent.

(3) Service of citation or other process cannot be made on the insured.

(4) When the cause of action is for damages as a result of an offense or quasi-offense between children and their parents or between married persons.

(5) When the cause of action is for damages as a result of an offense or quasi-offense between employers and their employees.

(6) When the insurer is an uninsured motorist carrier.

(7) The insured is deceased.

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