
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 140 Original

2021 Regular Session

Muscarello

Abstract: Provides for the modernization of certain provisions of the Code of Civil Procedure.

Present law (C.C.P. Art. 193) provides for the adoption of rules by a court, including that a special session of court may be called during vacation, and requires rules adopted by a district court to be printed in pamphlet form and provided to any attorney who requests them.

Proposed law removes from present law the statement that a special session of court may be called during vacation and the requirement that district court rules must be printed in pamphlet form.

Present law (C.C.P. Art. 194) sets forth the orders and judgments that may be signed by the district judge in chambers.

Proposed law allows the orders and judgments set forth under present law to be signed in any place where the district judge is physically located.

Present law (C.C.P. Art. 195) sets forth the judicial proceedings that may be conducted by the district judge in chambers.

Proposed law adds to present law the ability to conduct these judicial proceedings by audio-visual means.

Present law (C.C.P. Art. 196.1) allows the district court or a court of limited jurisdiction to sign orders and judgments while outside of its jurisdiction during an emergency or disaster and requires the court to indicate the location where the order or judgment was signed.

Proposed law removes from present law the restriction concerning emergencies or disasters and the requirement that the judge shall indicate the location where the order or judgment was signed.

Present law (C.C.P. Art. 863(A)) requires every pleading to contain the physical address of the party or the party's attorney for service of process.

Proposed law retains present law but further requires every pleading to contain the email address of the party or the party's attorney for service of process. Proposed law further provides that if an unrepresented party does not have an email address, that party may provide only a physical or designated mailing address for service.

Present law (C.C.P. Art. 891(A)) requires petitions to designate an address for receipt of service of all items involving the litigation.

Proposed law adds to present law the requirement that petitions designate both a physical address and an email address for receipt of service of all items involving the litigation.

Present law (C.C.P. Art. 1313(C)) provides that service of a pleading or order setting a court date shall be made by registered or certified mail or by the sheriff or a commercial courier.

Proposed law retains present law but adds that service of a pleading or order setting a court date may also be made by emailing the document to the designated email address. Proposed law further provides that such service shall be complete upon transmission provided that the sender receives an electronic confirmation of delivery.

Present law (R.S. 9:2603(B)(2)) excludes transactions that are governed by the Uniform Commercial Code from the scope of the Louisiana Uniform Electronic Transactions Act (LUETA).

Proposed law retains present law but removes an outdated cross-reference.

Present law (C.C.P. Art. 196) sets forth the judicial acts or proceedings that may be conducted by the district court during vacation.

Proposed law repeals present law.

Present law (R.S. 9:2603(B)(4)(a)) excludes laws governing adoption, divorce, or other matters of family law from the scope of LUETA.

Proposed law repeals present law.

Eff. Jan. 1, 2022.

(Amends C.C.P. Arts. 193, 194, 195, 196.1, 863(A), 891(A), and 1313(C) and R.S. 9:2603(B)(2); Repeals C.C.P. Art. 196 and R.S. 9:2603(B)(4)(a))