

2022 Regular Session

HOUSE BILL NO. 264

BY REPRESENTATIVE SEABAUGH

CIVIL/PLEADINGS: Provides for the service of the original petition with the amended petition

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1201(C), relative to service of
3 citation; to provide for the serving of the original petition with the supplemental or
4 amended petition to additional defendants; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1201(C) is hereby amended and
7 reenacted to read as follows:

8 Art. 1201. Citation; waiver; delay for service

9 * * *

10 C. Service of the citation shall be requested on all named defendants within
11 ninety days of commencement of the action. When a supplemental or amended
12 petition is filed naming any additional defendant, service of citation shall be
13 requested within ninety days of its filing, and the additional defendant shall be served
14 with the original petition and the supplemental or amended petition. The defendant
15 may expressly waive the requirements of this Paragraph by any written waiver. The
16 requirement provided by this Paragraph shall be expressly waived by a defendant
17 unless the defendant files, in accordance with the provisions of Article 928, a
18 declinatory exception of insufficiency of service of process specifically alleging the
19 failure to timely request service of citation.

20 * * *

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 264 Engrossed

2022 Regular Session

Seabaugh

Abstract: Provides for the service of both the original and amended petition to an additional defendant.

Present law provides that a service of citation shall be requested on all named defendants within ninety days of commencement of the action.

Present law provides that when a supplemental or amended petition is filed that names any additional defendant, service of citation shall be requested within ninety days of its filing.

Proposed law retains present law but provides that the additional defendant shall be served with the original and amended or supplemental petitions.

(Amends C.C.P. Art. 1201(C))