

2023 Regular Session

HOUSE BILL NO. 178

BY REPRESENTATIVE GREGORY MILLER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/VENUE: Provides for venue for actions involving certain insurers

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 42(7) and to enact Code of Civil  
3 Procedure Article 123(A)(3), relative to venue of foreign or alien insurers; to  
4 authorize proper venue in a parish under certain circumstances; to provide relative  
5 to forum non conveniens; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 42(7) is hereby amended and reenacted  
8 and Code of Civil Procedure Article 123(A)(3) is hereby enacted to read as follows:

9 Art. 42. General rules

10 The general rules of venue are that an action against:

11 \* \* \*

12 (7) A foreign or alien insurer ~~shall~~ may be brought in the parish of East  
13 Baton Rouge.

14 \* \* \*

15 Art. 123. Forum non conveniens

16 A.

17 \* \* \*

18 (3) If an action is brought in the parish of East Baton Rouge pursuant to  
19 Article 42(7), and a contradictory hearing is held pursuant to Subparagraph (1) of  
20 this Paragraph, there shall be a presumption that venue is not for the convenience of

1         the parties or the witnesses if venue is proper in a parish other than the parish of East  
2         Baton Rouge.

3   \*         \*         \*

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 178 Engrossed   2023 Regular Session   Gregory Miller

**Abstract:** Authorizes proper venue in the parish of East Baton Rouge for activities against foreign or alien insurers.

Present law (C.C.P. Art. 42(7)) requires that actions against foreign or alien insurers be brought in the parish of East Baton Rouge.

Proposed law changes present law by removing the requirement that cases against foreign or alien insurers shall be brought in the parish of East Baton Rouge.

Proposed law provides that actions against foreign or alien insurers may be filed under the general rules of venue (C.C.P. Art. 42-45), including the parish of East Baton Rouge, or under the exceptions to the general rules of venue (C.C.P. Arts. 71-78).

Present law (C.C.P. Art. 123) provides that for the convenience of parties and witnesses, in the interest of justice, a district court upon contradictory motion or upon the court's own motion after contradictory hearing may transfer a civil case to another district court where it might have been brought.

Proposed law (C.C.P. Art. 123) retains present law and provides that if an action is brought in the parish of East Baton Rouge pursuant to C.C.P. Art. 42(7) and venue is also proper elsewhere, it shall be presumed that venue is not for the convenience of the parties and witnesses.

(Amends C.C.P. Art. 42(7); Adds C.C.P. Art. 123(A)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Expand forum non conveniens to apply to certain cases that are brought in the parish of East Baton Rouge pursuant to C.C.P. Art. 42(7).