

2023 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 22

BY REPRESENTATIVE FRIEMAN

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study procedures in civil actions that require the mailing of notice with respect to the commencement of certain deadlines or answers or responses or for appearance before the court for certain motions and other hearings to determine whether it is more effective to base timely notice on the date of mailing of such notice or on the date of actual receipt of such notice and report its findings to the Louisiana Legislature no later than February 1, 2024.

WHEREAS, the required notice and related deadlines in certain civil actions, such as motions for new trial and default judgments, are based upon the mailing of notice as opposed to the receipt of notice; and

WHEREAS, the United States Postal Service is often delayed in its delivery of items; and

WHEREAS, due to the delays of delivery by the United States Postal Service, it is possible for parties to receive notice after a deadline has passed or not within enough time to respond; and

WHEREAS, timely notice is crucial so all parties can respond accordingly within adequate time; and

WHEREAS, it may be more effective for notice to be based upon the date of receipt instead of the date of mailing because deadlines may pass before delivery.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study procedures in civil actions that require the mailing of notice with respect to the commencement of certain deadlines for answers or responses or for appearance before the court for certain motions and other hearings and to report its findings to the Legislature of Louisiana no later than February 1, 2024.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE