

2024 Regular Session

HOUSE BILL NO. 88

BY REPRESENTATIVE MELERINE

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

1 AN ACT

2 To amend and reenact R.S. 22:1269(B)(1)(introductory paragraph) and Code of Civil
3 Procedure Articles 42(5) and (6) and to repeal Code of Civil Procedure Article 42(7),
4 relative to venue for foreign or alien insurers; to provide proper venue in certain
5 circumstances; to repeal venue requirements for certain insurers; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1269(B)(1)(introductory paragraph) is hereby amended and
9 reenacted to read as follows:

10 §1269. Liability policy; insolvency or bankruptcy of insured and inability to effect
11 service of citation or other process; direct action against insurer

12 * * *

13 B.(1) The injured person or his survivors or heirs mentioned in Subsection
14 A of this Section, at their option, shall have a right of direct action against the insurer
15 within the terms and limits of the policy; and, such action may be brought against the
16 insurer alone, or against both the insured and insurer jointly and in solido, in the
17 parish in which the accident or injury occurred or in the parish in which an action
18 could be brought against ~~either the insured or the insurer under the general rules of~~
19 ~~venue prescribed by Code of Civil Procedure Art. 42 only~~; however, such action may
20 be brought against the insurer alone only when at least one of the following applies:

1 Section 2. Code of Civil Procedure Articles 42(5) and (6) are hereby amended and
2 reenacted to read as follows:

3 Art. 42. General rules

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

5 * * *

6 (5) A foreign corporation or a foreign limited liability company not licensed
7 to do business in the state, or a nonresident who has not appointed an agent for the
8 service of process in the manner provided by law, ~~other than a foreign or alien~~
9 ~~insurer~~, shall be brought in the parish of the plaintiff's domicile or in a parish where
10 the process may be, and subsequently is, served on the defendant.

11 (6) A nonresident, ~~other than a foreign corporation or a foreign or alien~~
12 ~~insurer~~, who has appointed an agent for the service of process in the manner
13 provided by law, shall be brought in the parish of the designated post office address
14 of an agent for the service of process.

15 * * *

16 Section 3. Code of Civil Procedure Article 42(7) is hereby repealed in its entirety.

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)]

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Abstract: Provides proper venue for foreign or alien insurers and removes the requirement that actions against foreign or alien insurers be brought in East Baton Rouge Parish.

Present law provides that direct actions against an insured or insurer may be brought 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 present law (C.C.P. Art. 42) only.

Proposed law requires that proper venue for foreign or alien insurers be determined by the general venue rules (C.C.P. Art. 42) and its exceptions.

Present law (C.C.P. Art. 42(5)) provides that actions against a foreign corporation or a foreign limited liability company not licensed to do business in the state, or a nonresident who has not appointed an agent for the service of process in the manner provided by law, ~~other than a foreign or alien insurer~~, shall be brought in the parish of the plaintiff's domicile or in a parish where the process may be, and subsequently is, served on the defendant.

Present law (C.C.P. Art. 42(6)) provides that actions against a nonresident, other than a foreign corporation or a foreign or alien insurer, who has appointed an agent for the service of process in the manner provided by law, shall be brought in the parish of the designated post office address of an agent for the service of process.

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 removes the distinction for foreign or alien insurers that would not be applicable due to the repeal of present law.

Proposed law repeals present law (C.C.P. Art. 42(7)).

(Amends R.S. 22:1269(B)(1)(intro. para.) and C.C.P. Art. 42(5) and (6); Repeals C.C.P. Art. 42(7))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove the distinction for foreign or alien insurers that would not be applicable due to the repeal of C.C.P. Art. 42(7).