
DIGEST

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HB 88 Reengrossed

2024 Regular Session

Melerine

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).