

2024 Regular Session

HOUSE BILL NO. 88

BY REPRESENTATIVE MELERINE

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:

21 \* \* \*

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_