

RÉSUMÉ DIGEST

ACT 595 (HB 88)

2024 Regular Session

Melerine

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 would have required that proper venue for foreign or alien insurers be determined by the general venue rules (C.C.P. Art. 42) and its exceptions. (See Act 789 of the 2024 Regular Session)

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.

Proposed law would have removed the distinction for foreign or alien insurers that would not have been applicable due to the repeal of present law. (See Act 789 of the 2024 Regular Session)

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

New law repeals prior law (C.C.P. Art. 42(7)).

Effective August 1, 2024.

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