

2025 Regular Session

HOUSE BILL NO. 336

BY REPRESENTATIVE WILDER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/VENUE: Provides relative to venue for certain actions involving uninsured and underinsured motorist policies

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 76, relative to venue for actions on
3 insurance policies; to provide relative to uninsured and underinsured motorist
4 policies; to provide for an exception to specific venue provisions for certain parties;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 76 is hereby amended and reenacted to
8 read as follows:

9 Art. 76. Action on insurance policy

10 A. An action on a life insurance policy may be brought in the parish where
11 the deceased died, the parish where he was domiciled, or the parish where any
12 beneficiary is domiciled.

13 B. An action on a health and accident insurance policy may be brought in the
14 parish where the insured is domiciled, or in the parish where the accident or illness
15 occurred.

16 C. An action on any other type of insurance policy, except under an
17 uninsured and underinsured motorist policy, may be brought in the parish where the
18 loss occurred or the insured is domiciled.

19 D. Notwithstanding Code of Civil Procedure Articles 42 and 45 and R.S.
20 22:1269, an action on an uninsured and underinsured motorist policy shall be
21 brought in the parish where the wrongful conduct occurred or the parish where the

1 defendant is domiciled. An action solely against the uninsured and underinsured
 2 motorist policy may be brought in the parish where the insured is domiciled.

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)]

HB 336 Original

2025 Regular Session

Wilder

Abstract: Provides venue for actions on uninsured and underinsured motorist policies.

Present law (C.C.P. Art. 42) provides the general rules of venue for individuals, partnerships, corporations, and limited liability companies.

Present law (C.C.P. Art. 45) provides for instances when there are conflicts in venue provisions.

Present law (C.C.P. Art. 76) provides that actions on a health or accident insurance policy may be brought in the parish where the insured is domiciled or where the accident or illness occurred.

Present law (R.S. 22:1269) provides that a direct action against an insurer is only permitted when:

- (1) The insured files for bankruptcy in a court of competent jurisdiction or when proceedings to adjudge an insured bankrupt have been commenced before a court of competent jurisdiction.
- (2) The insured is insolvent.
- (3) Service of citation or other process has been attempted without success or the insured defendant refuses to answer or otherwise defend the action within 180 days of service.
- (4) When the cause of action is for damages as a result of an offense or quasi-offense between children and their parents or between married persons.
- (5) When the insurer is an uninsured motorist carrier.
- (6) The insured is deceased.
- (7) When the insurer is defending the lawsuit under a reservation of rights, or the insurer denies coverage to the insured, but only for the purpose of establishing coverage.

Proposed law supersedes present law (C.C.P. Arts. 42 and 45 and R.S. 22:1269) and changes present law (C.C.P. Art. 76) by creating an exception that an uninsured and underinsured motorist policy shall not be brought in the parish in which the insured is domiciled unless the action is solely against the uninsured and underinsured motorist policy.

Proposed law provides that actions on an uninsured and underinsured motorist policy shall be brought in the parish where the wrongful conduct occurred or the defendant's domicile.

(Amends C.C.P. Art. 76)