

2016 Regular Session

HOUSE BILL NO. 452

BY REPRESENTATIVE JIM MORRIS (BY REQUEST)

CIVIL/PROCEDURE: Provides relative to persons authorized to make service

1 AN ACT

2 To enact Code of Civil Procedure Article 1293(D), relative to service of process; to provide
3 relative to the appointment of a private process server; to authorize the court to
4 appoint a private process server; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1293(D) is hereby enacted to read as
7 follows:

8 Art. 1293. Service by private person

9 * * *

10 D. The provisions of this Article shall not prohibit the court from appointing,
11 in its discretion, at the beginning of the proceedings, or later, at the request of
12 counsel, a person over the age of majority, not a party and residing within the state
13 whom the court deems qualified to perform the duties required, to make service in
14 the same manner as is required of sheriffs, in the place and stead of the sheriff,
15 marshal, or constable, to locate and accomplish service of process on the opposing
16 party.

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 452 Original

2016 Regular Session

Jim Morris

Abstract: Authorizes the court to appoint a private process server.

Present law requires that service, except as otherwise provided by law, shall be made by the sheriff of the parish where service is to be made or of the parish where the action is pending.

Present law provides that when the sheriff has not made service within 10 days or has been unable to make service, the court shall, upon motion of a party, appoint a person over the age of majority whom the court deems qualified to make service of process in the same manner as is required of sheriffs.

Present law provides that in serving notice of a summary proceeding or a subpoena, the court shall have the discretion to appoint any qualified person to make service of process, notices, and subpoenas in the same manner as is required of sheriffs, without first requiring the sheriff to attempt service.

Proposed law authorizes the court to appoint at the beginning of the proceedings, or later, at the request of counsel, a qualified person to make service in the same manner as is required of sheriffs.

(Adds C.C.P. Art. 1293(D))