

2020 Regular Session

HOUSE BILL NO. 148

BY REPRESENTATIVE MIKE JOHNSON

CIVIL/VENUE: Provides relative to venue for delictual actions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 74, relative to venue for offenses or  
3 quasi-offenses; relative to venue for injuries sustained from delictual actions; to  
4 provide for an exception to specific venue provisions for certain insurers; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 74 is hereby amended and reenacted to  
8 read as follows:

9 Art. 74. Action on offense or quasi offense

10 A. An action for the recovery of damages for an offense or quasi offense  
11 may be brought in the parish where the wrongful conduct occurred, or in the parish  
12 where the damages were sustained. An action to enjoin the commission of an  
13 offense or quasi offense may be brought in the parish where the wrongful conduct  
14 occurred or may occur.

15 B. As used herein, the words "offense or quasi offense" include a nuisance  
16 and a violation of Article 667 of the Civil Code.

17 C. An action for the recovery of damages arising from a delictual action shall  
18 be brought in the parish where any defendant resides or the cause of action arose.  
19 This shall include an insured's action against the uninsured motorist coverage  
20 insurer.

1                    D. The provisions of this Article shall supersede the provisions of Articles  
2                    42, 73, and 76, R.S. 13:3203, and R.S. 22:1269 and 1295.1.

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## 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)]

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HB 148 Original

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Mike Johnson

**Abstract:** Provides venue for damages arising from delictual actions to be in the parish where any defendant resides or where the cause of action arose.

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

Present law (C.C.P. Art. 73) provides that in actions against joint and solidary obligors, venue is proper where the plaintiff is domiciled if the parish of the plaintiff's domicile would be proper under C.C.P. Art. 76 or R.S. 13:3203.

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. 13:3203) provides that venue is proper in the parish where the plaintiff is domiciled or any parish of proper venue for nonresidents causing injury or damages in this state by offenses or quasi-offenses.

Present law (R.S. 22:1269) provides that an injured person or his survivors and heirs shall have a right of direct action against the insurer. The action is proper in the parish where the injury occurred or against the insurer under C.C.P. Art. 42.

Present law (R.S. 22:1295.1) provides that the named insured of an uninsured motorist policy and the operator of a motor vehicle shall be solidarily liable for damages caused by the operator's negligent or intentional act when the operator is excluded from coverage on the motor vehicle liability insurance policy pursuant to R.S. 32:900(L).

Proposed law supersedes present law (C.C.P. Art. 42, 73, and 76, R.S. 13:3203, and R.S. 22:1269 and 1295.1) for damages arising from delictual actions.

(Amends C.C.P. Art. 74)