

2020 Regular Session

HOUSE BILL NO. 279

BY REPRESENTATIVE SEABAUGH

JUDGMENTS/CIVIL: Provides relative to involuntary dismissals with prejudice

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1672(C), relative to involuntary
3 dismissal judgments; to provide for dismissals of an action with prejudice; to provide
4 for involuntary dismissal with prejudice for defendants with whom service has not
5 been requested within ninety days or waived by defendants; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 1672(C) is hereby amended and
9 reenacted to read as follows:

10 Art. 1672. Involuntary dismissal

11 * * *

12 C. A judgment dismissing an action ~~without~~ with prejudice shall be rendered
13 as to a person named as a defendant for whom service has not been requested within
14 the time prescribed by Article 1201(C) or 3955 upon the sustaining of a declinatory
15 exception filed by such defendant, or upon contradictory motion of any other party,
16 unless good cause is shown why service could not be requested, in which case the
17 court may order that service be effected within a specified time.

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 279 Original

2020 Regular Session

Seabaugh

Abstract: Changes a judgment dismissing an action regarding service and waiver of service from without prejudice to with prejudice.

Present law dismisses an action without prejudice as to a named defendant if service is not requested within the time prescribed by present law (C.C.P. Art. 1201(C)).

Present law dismisses actions rendered for defendants who waive service under present law (C.C.P. Art. 3955) as without prejudice.

Proposed law changes the dismissal provided by present law (C.C.P. Arts. 1201(C) and 3955) from without prejudice to with prejudice.

(Amends C.C.P. Art. 1672(C))