

2021 Regular Session

HOUSE BILL NO. 140

BY REPRESENTATIVES MUSCARELLO, ROBBY CARTER, JEFFERSON, JENKINS,
MIKE JOHNSON, LANDRY, LARVADAIN, AND SEABAUGH

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 193, 194, 195, 196.1, 863(A),
3 891(A), and 1313(C) and R.S. 9:2603(B)(2), and to repeal Code of Civil Procedure
4 Article 196 and R.S. 9:2603(B)(4)(a), relative to civil procedure; to provide for the
5 adoption of local court rules; to provide with respect to the power of district courts
6 to act; to provide with respect to judicial proceedings; to provide for the signing of
7 orders and judgments; to provide with respect to pleadings and petitions; to provide
8 for service by electronic means; to provide with respect to the Louisiana Uniform
9 Electronic Transaction Act; to provide for an effective date; and to provide for
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Civil Procedure Articles 193, 194, 195, 196.1, 863(A), 891(A),
13 and 1313(C) are hereby amended and reenacted to read as follows:

14 Art. 193. Power to adopt local rules; publication

15 A. A court may adopt rules for the conduct of judicial business before it,
16 including those governing matters of practice and procedure ~~which~~ that are not
17 contrary to the rules provided by law. When a court has more than one judge, its
18 rules shall be adopted or amended by a majority of the judges thereof, sitting en
19 banc.

20 ~~The rules may provide that the court may call a special session of court~~
21 ~~during vacation, and that any action, proceeding, or matter otherwise required by law~~
22 ~~to be tried or heard in open court during the regular session may be tried or heard~~
23 ~~during the special session.~~

24 B. The rules shall be entered on the minutes of the court. Rules adopted by
25 an appellate court shall be published in the manner ~~which~~ that the court considers

1 most effective and practicable. ~~Rules adopted by a district court shall be printed in~~
 2 ~~pamphlet form, and a copy shall be furnished on request to any attorney licensed to~~
 3 ~~practice law in this state.~~

4 Art. 194. Power of district court to act ~~in chambers~~; signing orders and judgments

5 The following orders and judgments may be signed by the district judge in
 6 ~~chambers~~ any place where the judge is physically located:

7 (1) Order directing the taking of an inventory; judgment decreeing or
 8 homologating a partition, when unopposed; judgment probating a testament ex parte;
 9 order directing the execution of a testament; order confirming or appointing a legal
 10 representative, when unopposed; order appointing an undertutor or an undercurator;
 11 order appointing an attorney at law to represent an absent, incompetent, or
 12 unrepresented person, or an attorney for an absent heir; order authorizing the sale of
 13 property of an estate administered by a legal representative; order directing the
 14 publication of the notice of the filing of a tableau of distribution, or of an account,
 15 by a legal representative; judgment recognizing heirs or legatees and sending them
 16 into possession, when unopposed; all orders for the administration and settlement of
 17 a succession, or for the administration of an estate by a legal representative;.

18 (2) Order to show cause; order directing the issuance and providing the
 19 security to be furnished by a party for the issuance of a writ of attachment or
 20 sequestration; order directing the release of property seized under a writ of
 21 attachment or sequestration and providing the security to be furnished therefor; order
 22 for the issuance of a temporary restraining order and providing the security therefor;
 23 order for the issuance of a writ, or alternative writ, of habeas corpus, mandamus, or
 24 quo warranto;.

25 (3) Order for the seizure and sale of property in an executory proceeding;.

26 (4) Order for the taking of testimony by deposition; for the production of
 27 documentary evidence; for the production of documents and things for inspection,
 28 copying, or photographing; for permission to enter land for the purpose of
 29 measuring, surveying, or photographing;.

1 C. Notwithstanding Paragraph A of this Article, if a pleading or order sets
 2 a court date, then service shall be made ~~either~~ by registered or certified mail or as
 3 provided in Article 1314, ~~or~~ by actual delivery by a commercial courier, or by
 4 emailing the document to the email address designated by counsel or the party.
 5 Service by electronic means is complete upon transmission, provided that the sender
 6 receives an electronic confirmation of delivery.

7 * * *

8 Comments – 2021

9 Paragraph C of this Article has been amended to allow service of a pleading
 10 or order setting a court date by emailing the party or his counsel at a designated
 11 email address, provided that the sender receives an electronic confirmation of
 12 delivery. See R.S. 9:4845(2). If such confirmation is not received, the sender will
 13 need to use one of the other alternative methods of service provided in Paragraph C.

14 Section 2. R.S. 9:2603(B)(2) is hereby amended and reenacted to read as follows:

15 §2603. Scope

16 * * *

17 B. This Chapter shall not apply to:

18 * * *

19 (2) A transaction to the extent it is governed by the provisions of Title 10 of
 20 the Louisiana Revised Statutes of 1950, ~~other than R.S. 10:1-107.~~

21 * * *

22 Section 3. Code of Civil Procedure Article 196 and R.S. 9:2603(B)(4)(a) are hereby
 23 repealed in their entirety.

24 Section 4. This Act shall become effective January 1, 2022.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____