

RÉSUMÉ DIGEST

ACT 68 (HB 140)

2021 Regular Session

Muscarello

Existing law (C.C.P. Art. 193) provides for the adoption of rules by a court and requires that rules adopted by a district court be provided to any attorney who requests a copy of the rules.

New law retains existing law.

Prior law (C.C.P. Art. 193) authorized, through the adoption of rules by a court, a special session of court to be called during vacation and required that all rules adopted by the court be printed in pamphlet form.

New law repeals present law.

Existing law (C.C.P. Art. 194) sets forth the orders and judgments that may be signed by the district judge in chambers.

New law allows the orders and judgments set forth under existing law to be signed in any place where the district judge is physically located.

Existing law (C.C.P. Art. 195) sets forth the judicial proceedings that may be conducted by the district judge in chambers.

New law adds to existing law the ability to conduct these judicial proceedings by audio-visual means.

Existing law (C.C.P. Art. 196.1) allows the district court or a court of limited jurisdiction to sign orders and judgments while outside of its jurisdiction.

New law retains existing law.

Prior law (C.C.P. Art. 196.1) authorized the court to sign judgments outside its jurisdiction only during an emergency or disaster and required the court to indicate the location where the order or judgment was signed.

New law repeals prior law.

Existing law (C.C.P. Art. 863(A)) requires every pleading to contain the physical address of the party or the party's attorney for service of process.

New law retains existing law and further requires every pleading to contain the email address of the party, if he has an email address, or the email address of the party's attorney for service of process.

Existing law (C.C.P. Art. 891(A)) requires petitions to designate an address for receipt of service of all items involving the litigation.

New law retains existing law and requires that petitions designate both a physical address and an email address for receipt of service of all items involving the litigation.

Existing law (C.C.P. Art. 1313(C)) provides that service of a pleading or order setting a court date shall be made by registered or certified mail or by the sheriff or a commercial courier.

New law retains existing law and provides that service of a pleading or order setting a court date may also be made by emailing the document to the designated email address. New law further provides that such service shall be complete upon transmission provided that the sender receives an electronic confirmation of delivery.

Existing law (R.S. 9:2603(B)(2)) excludes transactions that are governed by the Uniform Commercial Code from the scope of the Louisiana Uniform Electronic Transactions Act (LUETA).

New law retains existing law but removes an outdated cross-reference.

Prior law (C.C.P. Art. 196) set forth the judicial acts or proceedings that were authorized to be conducted by the district court during vacation.

New law repeals prior law.

Prior law (R.S. 9:2603(B)(4)(a)) excluded laws governing adoption, divorce, or other matters of family law from the scope of LUETA.

New law repeals prior law.

Effective January 1, 2022.

(Amends C.C.P. Arts. 193, 194, 195, 196.1, 863(A), 891(A), and 1313(C) and R.S. 9:2603(B)(2); Repeals C.C.P. Art. 196 and R.S. 9:2603(B)(4)(a))