The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

## DIGEST 2022 Regular Session

Talbot

Present law provides that an injured person or his survivors, at their option, have a right of direct action against the insurer within the terms and limits of the insurance policy.

Present law provides that the action may be brought against the insurer within the terms and limits of the policy or against the insurer alone or both the insured and the insurer jointly and in solido in the parish in which the accident or injury occurred, or in the parish in which an action could be brought against either the insured or the insurer under the general rules of venue prescribed by Code of Civil Procedure Art. 42 only. Provides that the action may be brought against the insurer alone only when at least one of the following applies:

- The insured has been adjudged bankrupt by a court of competent jurisdiction or when (a) proceedings to adjudge an insured bankrupt have been commenced before a court of competent jurisdiction.
- (b) The insured is insolvent.

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- Service of citation or other process cannot be made on the insured. (c)
- (d) When the cause of action is for damages as a result of an offense or quasi-offense between children and their parents or between married persons.
- When the insurer is an uninsured motorist carrier. (e)
- (f) The insured is deceased.

Proposed law provides that the action may be brought against the insurer within the terms and limits of the policy only when at least one of the items listed in present law applies.

Proposed law provides that the right of direct action may be brought against the insurer alone, or against both the insured and the insurer jointly and in solido, in the parish in which the accident or injury occurred or in the parish in which an action could be brought against either the insured or the insurer under the general rules of venue prescribed by the Code of Civil Procedure Art. 42 only.

Proposed law otherwise retains present law.

Effective August 1, 2022.

(Amends R.S. 22:1269(B))