SLS 22RS-269 **ORIGINAL**

2022 Regular Session

SENATE BILL NO. 214

BY SENATOR LUNEAU

1

CIVIL PROCEDURE. Provides for deposition of claims adjusters who reside outside of Louisiana. (8/1/22)

AN ACT

2	To amend and reenact Code of Civil Procedure Art. 1435, relative to depositions taken in
3	other states; to provide for depositions of out-of-state claims adjusters; and to
4	provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Civil Procedure Art. 1435 is hereby amended and reenacted to
7	read as follows:
8	Art. 1435. Deposition taken in another state, or in a territory, district, or foreign
9	jurisdiction; claims adjusters
10	$\underline{\mathbf{A}}$. If the witness whose deposition is to be taken is found in another state, or
11	in a territory, district, or foreign jurisdiction, the law of the place where the
12	deposition is to be taken shall govern the compulsory process to require the
13	appearance and testimony of witnesses, but otherwise the provisions of this Chapter
14	or of R.S. 13:3823 shall be applicable to such a deposition.
15	B. However, claims adjusters who reside in another state, or in a
16	territory, district, or foreign jurisdiction, shall return to the venue where
17	the case is pending to provide pretrial deposition or testimony at trial.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

DIGEST

SB 214 Original

2022 Regular Session

Luneau

<u>Present law</u> provides that the compulsory process to require the appearance and testimony of witnesses for a deposition taken out-of-state, or in a territory, district, or foreign jurisdiction, is governed by the law of the place where the deposition is to be taken. <u>Present law</u> provides that otherwise, <u>present law</u> will be applicable to such a deposition.

<u>Proposed law</u> retains <u>present law</u> except that it requires claims adjusters who reside in another state, or in a territory, district, or foreign jurisdiction, to return to the venue where the case is pending to provide pretrial deposition or testimony at trial.

Effective August 1, 2022.

(Amends C.C. Art. 1435)