

2024 Regular Session

HOUSE BILL NO. 88

BY REPRESENTATIVE MELERINE

CIVIL/VENUE: Provides for venue for actions involving certain insurers

1 AN ACT

2 To amend and reenact R.S. 22:1269(B)(1)(introductory paragraph) and to repeal Code of
3 Civil Procedure Article 42(7), relative to venue for foreign or alien insurers; to
4 provide proper venue in certain circumstances; to repeal venue requirements for
5 certain insurers; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1269(B)(1)(introductory paragraph) is hereby amended and
8 reenacted to read as follows:

9 §1269. Liability policy; insolvency or bankruptcy of insured and inability to effect
10 service of citation or other process; direct action against insurer

11 * * *

12 B.(1) The injured person or his survivors or heirs mentioned in Subsection
13 A of this Section, at their option, shall have a right of direct action against the insurer
14 within the terms and limits of the policy; and, such action may be brought against the
15 insurer alone, or against both the insured and insurer jointly and in solido, in the
16 parish in which the accident or injury occurred or in the parish in which an action
17 could be brought against ~~either the insured or the insurer under the general rules of~~
18 ~~venue prescribed by Code of Civil Procedure Art. 42 only~~; however, such action may
19 be brought against the insurer alone only when at least one of the following applies:

20 * * *

1 Section 2. Code of Civil Procedure Article 42(7) is hereby repealed in its entirety.

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 88 Original

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Abstract: Provides proper venue for foreign or alien insurers and removes the requirement that actions against foreign or alien insurers be brought in East Baton Rouge Parish.

Present law provides that direct actions against an insured or insurer may be brought in the parish in which the accident or injury occurred or in the parish in which the action could be brought against either the insured or the insurer under the general rules of venue prescribed by present law (C.C.P. Art. 42) only.

Present law (C.C.P. Art. 42(7)) requires that actions against foreign or alien insurers be brought in the parish of East Baton Rouge.

Proposed law repeals present law (C.C.P. Art. 42(7)).

Proposed law requires that proper venue for foreign or alien insurers be determined by the general venue rules (C.C.P. Art. 42) and its exceptions.

(Amends R.S. 22:1269(B)(1)(intro. para.); Repeals C.C.P. Art. 42(7))