
DIGEST

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HB 227 Engrossed

2024 Regular Session

Muscarello

Abstract: Provides for continuous revisions relative to civil procedure.

Present law (C.C. Art. 3462) provides that prescription is interrupted when an action is commenced in a court of competent jurisdiction and venue.

Proposed law retains present law but removes the requirement of venue.

Present law (C.C.P. Art. 863) provides for the signing of pleadings and the imposition of sanctions.

Proposed law retains present law but adds that a party or attorney may sign a pleading by electronic signature in accordance with Article 253. Proposed law further provides that sanctions shall not be imposed with respect to an original petition that is filed within 60 days of an applicable prescriptive date and then transferred to a court of proper venue.

Present law (C.C.P. Art. 1425) provides that any party may file a motion for a pretrial hearing to determine whether a witness qualifies as an expert or whether the methodologies employed are reliable under the Code of Evidence.

Proposed law changes present law by requiring a party seeking to challenge whether a witness qualifies as an expert or whether the methodologies employed are reliable under the Code of Evidence to file a motion for a pretrial hearing.

Present law (C.C.P. Art. 1436.1) provides for depositions by telephone.

Proposed law retains present law but makes minor semantic changes.

Present law (C.C.P. Art. 2163) provides that if the ground for the peremptory exception pleaded in the appellate court is prescription, the plaintiff may demand that the case be remanded to the trial court for trial of the exception.

Proposed law retains present law but adds peremption in addition to prescription.

Present law (C.C.P. Art. 2298) sets forth the procedure for injunctions prohibiting sales.

Proposed law retains present law but makes minor semantic changes.

Present law (C.C.P. Art. 3136) provides for the descriptive list of property in lieu of inventory.

Proposed law retains present law but removes an outdated reference relative to the Dept. of Revenue.

Present law (C.C.P. Art. 3335) provides that in the case of a final account, service may be made in accordance with Article 1314 or by certified mail on either a resident or a nonresident.

Proposed law retains present law but adds that service may be made on either a resident or a nonresident by use of a commercial courier that requires a signed receipt from the addressee upon completion of delivery.

(Amends C.C. Art. 3462 and C.C.P. Arts. 863(A) and (F), 1425(F)(1) and (2), 1436.1, 2163, 2298, 3136, and 3335)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add technical changes.