

CONFERENCE COMMITTEE REPORT

HB 803

2024 Regular Session

Muscarello

May 31, 2024

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 803 by Representative Muscarello, recommend the following concerning the Engrossed bill:

- 1. That the set of Senate Committee Amendments by the Committee on Judiciary A (#3133) be adopted.
- 2. That the following amendments be adopted:

AMENDMENT NO. 1

In Senate Committee Amendment No. 2 by the Committee on Judiciary A (#3133), on page 1, line 4, after "Section 3." and before "of" change "The provisions" to "Sections 1 and 2"

- 3. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 2

On page 1, at the end of line 2, after "Procedure" and before the comma "," change "Article 863(F)" to "Articles 42(5) and (6) and 863(F), and to repeal Section 1 of House Bill No. 88 of the 2024 Regular Session"

AMENDMENT NO. 3

On page 1, line 4, after "comments;" and before "and" insert "to provide for venue; to provide an effective date for the Act that originated as Senate Bill No. 246 of the 2024 Regular Session;"

AMENDMENT NO. 4

On page 2, line 1, after "Procedure" and before "hereby" change "Article 863(F) is" to "Articles 42(5) and (6) and Article 863(F) are"

AMENDMENT NO. 5

On page 2, in between lines 2 and 3, insert the following:

"Art. 42. General rules

The general rules of venue are that an action against:

\* \* \*

(5) A foreign corporation or a foreign limited liability company not licensed to do business in the state, or a nonresident who has not appointed an agent for the service of process in the manner provided by law, ~~other than a foreign or alien insurer~~, shall be brought in the parish of the plaintiff's domicile or in a parish where the process may be, and subsequently is, served on the defendant except when service is made pursuant to R.S. 22:335.

(6) A nonresident, other than a foreign corporation ~~or a foreign or alien insurer~~, who has appointed an agent for the service of process in the manner provided by law, shall be brought in the parish of the designated post office address of an agent for the service of process.

\* \* \*

AMENDMENT NO. 6

On page 2, after line 10, add the following:

"Section 3. Section 1 of the Act that originated as House Bill No. 88 of the 2024 Regular Session is hereby repealed in its entirety.

Section 4. The Act that originated as Senate Bill No. 246 of the 2024 Regular Session shall become effective on June 14, 2024; if vetoed by the governor and subsequently approved by the legislature, the Act that originated as Senate Bill No. 246 of the 2024 Regular Session shall become effective on June 14, 2024, or on the day following such approval by the legislature, whichever is later."

Respectfully submitted,

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Representative Nicholas Muscarello, Jr.

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Senator Gregory A. Miller

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Representative Jack G. McFarland

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Senator W. Jay Luneau

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Representative Michael Melerine

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Senator Alan Seabaugh

## 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)]

## CONFERENCE COMMITTEE REPORT DIGEST

HB 803

2024 Regular Session

Muscarello

**Keyword and oneliner of the instrument as it left the House**

CIVIL/PROCEDURE: Provides relative to interruption of prescription and venue

**Report adopts Senate amendments to:**

1. Provide an effective date that renders provisions of proposed law without effect if House Bill No. 315 of the 2024 Regular Session is enacted and becomes effective.

**Report amends the bill to:**

1. Repeal Section 1 of House Bill No. 88 of the 2024 Regular Session.
2. Provide for a determination of venue for a foreign entity in certain circumstances.
3. Provide an effective date for the Act that originated as Senate Bill No. 246 of the 2024 Regular Session.

**Digest of the bill as proposed by the Conference Committee**

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 proper venue.

Present law (C.C.P. Art. 42(5)) provides that actions against a foreign corporation or a foreign limited liability company not licensed to do business in the state, or a nonresident who has not appointed an agent for the service of process in the manner provided by law, other than a foreign or alien insurer, shall be brought in the parish of the plaintiff's domicile or in a parish where the process may be, and subsequently is, served on the defendant

Proposed law removes the distinction for foreign or alien insurers in present law and provides that actions against a foreign corporation or a foreign limited liability company not licensed to do business in the state, or a nonresident who has not appointed an agent for the service of process in the manner provided by law, shall not be brought in the parish of the plaintiff's domicile or parish where service may be made and is subsequently made on the defendant when service is made pursuant to R.S. 22:335.

Present law (C.C.P. Art. 42(6)) provides that a nonresident, other than a foreign corporation or a foreign or alien insurer, who has appointed an agent for the service of process in the manner provided by law, shall be brought in the parish of the designated post office address of an agent for the service of process.

Proposed law removes the distinction for foreign or alien insurers in present law.

Present law (C.C.P. Art. 863(F)) provides for the imposition of sanctions.

Proposed law retains present law but 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.

Proposed law provides that if House Bill No. 315 of the 2024 Regular Session is enacted and becomes effective that the provisions of proposed law shall have no effect.

Proposed law repeals Section 1 of House Bill No. 88 of the 2024 Regular Session.

Proposed law provides an effective date for the Act that originated as Senate Bill No. 246 of the 2024 Regular Session.

(Amends C.C. Art. 3462 and C.C.P. Arts. 42(5) and (6) and 863(F); Repeals Section 1 of House Bill No. 88 of the 2024 Regular Session)