
DIGEST

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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)