

CONFERENCE COMMITTEE REPORT

HB 803

2024 Regular Session

Muscarello

June 3, 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 rejected.
- 2. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 and 4 in their entirety and insert the following:

"Code of Civil Procedure Articles 42(5) and (6), and to repeal Sections 1 and 2 of the Act that originated as House Bill No. 88 of the 2024 Regular Session of the Legislature, relative to civil procedure; to provide relative to venue; to provide relative to prescription; to provide for an effective date for the Act that originated as Senate Bill No. 246 of the 2024 Regular Session of the Legislature; and to provide for related"

AMENDMENT NO. 2

On page 1, delete lines 7 through 24 in their entirety and delete page 2 in its entirety and insert the following:

"Section 1. Code of Civil Procedure Articles 42(5) and (6) are hereby amended and reenacted to read as follows:

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.

* * *

Section 2. Sections 1 and 2 of the Act that originated as House Bill No. 88 of the 2024 Regular Session of the Legislature are hereby repealed in their entirety.

Section 3. The Act that originated as Senate Bill No. 246 of the 2024 Regular Session of the Legislature 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 of the Legislature shall become effective on June 14, 2024, or on the day following such approval by the legislature, whichever is later."

Respectfully submitted,

Representative Nicholas Muscarello, Jr.

Senator Gregory A. Miller

Representative Jack G. McFarland

Senator W. Jay Luneau

Representative Michael Melerine

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 rejects Senate amendments which would have:

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

Report amends the bill to:

1. Repeal Sections 1 and 2 of House Bill No. 88 of the 2024 Regular Session of the Legislature.
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 of the Legislature.

Digest of the bill as proposed by the Conference Committee

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.

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

Proposed law repeals Sections 1 and 2 of House Bill No. 88 of the 2024 Regular Session of the Legislature.

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

(Amends C.C.P. Arts. 42(5) and (6); Repeals Sections 1 and 2 of House Bill No. 88 of the 2024 Regular Session of the Legislature)