

2021 Regular Session

HOUSE BILL NO. 140

BY REPRESENTATIVES MUSCARELLO, ROBBY CARTER, JEFFERSON, JENKINS,  
MIKE JOHNSON, LANDRY, LARVADAIN, AND SEABAUGH AND  
SENATORS MCMATH, MIZELL, AND WHITE

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 193, 194, 195, 196.1, 863(A),  
3 891(A), and 1313(C) and R.S. 9:2603(B)(2), and to repeal Code of Civil Procedure  
4 Article 196 and R.S. 9:2603(B)(4)(a), relative to civil procedure; to provide for the  
5 adoption of local court rules; to provide with respect to the power of district courts  
6 to act; to provide with respect to judicial proceedings; to provide for the signing of  
7 orders and judgments; to provide with respect to pleadings and petitions; to provide  
8 for service by electronic means; to provide with respect to the Louisiana Uniform  
9 Electronic Transaction Act; to provide for an effective date; and to provide for  
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Civil Procedure Articles 193, 194, 195, 196.1, 863(A), 891(A),  
13 and 1313(C) are hereby amended and reenacted to read as follows:

14 Art. 193. Power to adopt local rules; publication

15 A. A court may adopt rules for the conduct of judicial business before it,  
16 including those governing matters of practice and procedure ~~which~~ that are not  
17 contrary to the rules provided by law. When a court has more than one judge, its  
18 rules shall be adopted or amended by a majority of the judges thereof, sitting en  
19 banc.

20 ~~The rules may provide that the court may call a special session of court~~  
21 ~~during vacation, and that any action, proceeding, or matter otherwise required by law~~  
22 ~~to be tried or heard in open court during the regular session may be tried or heard~~  
23 ~~during the special session.~~

24 B. The rules shall be entered on the minutes of the court. Rules adopted by  
25 an appellate court shall be published in the manner ~~which~~ that the court considers

1 most effective and practicable. ~~Rules adopted by a district court shall be printed in~~  
2 ~~pamphlet form, and a copy shall be furnished on request to any attorney licensed to~~  
3 ~~practice law in this state.~~

4 Art. 194. Power of district court to act ~~in chambers~~; signing orders and judgments

5 The following orders and judgments may be signed by the district judge in  
6 ~~chambers~~ any place where the judge is physically located:

7 (1) Order directing the taking of an inventory; judgment decreeing or  
8 homologating a partition, when unopposed; judgment probating a testament ex parte;  
9 order directing the execution of a testament; order confirming or appointing a legal  
10 representative, when unopposed; order appointing an undertutor or an undercurator;  
11 order appointing an attorney at law to represent an absent, incompetent, or  
12 unrepresented person, or an attorney for an absent heir; order authorizing the sale of  
13 property of an estate administered by a legal representative; order directing the  
14 publication of the notice of the filing of a tableau of distribution, or of an account,  
15 by a legal representative; judgment recognizing heirs or legatees and sending them  
16 into possession, when unopposed; all orders for the administration and settlement of  
17 a succession, or for the administration of an estate by a legal representative;.

18 (2) Order to show cause; order directing the issuance and providing the  
19 security to be furnished by a party for the issuance of a writ of attachment or  
20 sequestration; order directing the release of property seized under a writ of  
21 attachment or sequestration and providing the security to be furnished therefor; order  
22 for the issuance of a temporary restraining order and providing the security therefor;  
23 order for the issuance of a writ, or alternative writ, of habeas corpus, mandamus, or  
24 quo warranto;.

25 (3) Order for the seizure and sale of property in an executory proceeding;.

26 (4) Order for the taking of testimony by deposition; for the production of  
27 documentary evidence; for the production of documents and things for inspection,  
28 copying, or photographing; for permission to enter land for the purpose of  
29 measuring, surveying, or photographing;.

1 (5) Order or judgment deciding or otherwise disposing of an action,  
 2 proceeding, or matter ~~which~~ that may be tried or heard in chambers;

3 (6) Order or judgment that may be granted on ex parte motion or application,  
 4 except an order of appeal on an oral motion; ~~and~~.

5 (7) Any other order or judgment not specifically required by law to be signed  
 6 in open court.

7 Comments – 2021

8 This Article has been amended to codify the current practice of the district  
 9 court judges of signing orders and judgments wherever the judge is physically  
 10 located. With the use of electronic signatures as provided for in Articles 253(C) and  
 11 1911(A), judges are authorized to sign orders and judgments electronically, and this  
 12 Article authorizes them to do so wherever they are physically located.

13 Art. 195. ~~Same; judicial~~ Judicial proceedings in chambers

14 The following judicial proceedings may be conducted by the district judge  
 15 in chambers or by any audio-visual means:

16 (1) Hearing on an application by a legal representative for authority, whether  
 17 opposed or unopposed, and on a petition for emancipation;

18 (2) Homologation of a tableau of distribution, or of an account, filed by a  
 19 legal representative, so far as unopposed;

20 (3) Trial of a rule to determine the nonexempt portion of wages, salaries, or  
 21 commissions seized under garnishment and to direct the payment thereof  
 22 periodically by the garnishee to the sheriff;

23 (4) Examination of a judgment debtor; ~~and~~.

24 (5) Trial of or hearing on any other action, proceeding, or matter ~~which~~ that  
 25 the law expressly provides may be tried or heard in chambers.

26 Art. 196.1. Power of ~~courts to act during emergencies~~ judges to sign orders and  
 27 judgments while outside of the court's territorial jurisdiction

28 ~~A. A~~ The judge of a district court or a court of limited jurisdiction may sign  
 29 orders and judgments while outside of ~~it's~~ the court's territorial jurisdiction ~~during~~  
 30 ~~an emergency or disaster declared as such pursuant to R.S. 29:724(B) if the~~  
 31 ~~emergency or disaster prevents the court from operating in its own jurisdiction.~~

1           ~~B. The court shall indicate the location where the order or judgment was~~  
2           ~~signed on any order or judgment signed outside of the court's territorial jurisdiction~~  
3           ~~pursuant to this Article.~~

4   Comments – 2021

5           This Article has been amended to allow the judge to sign orders and  
6           judgments while outside of the court's territorial jurisdiction, regardless of whether  
7           there is an emergency or disaster. This amendment does not confer or extend the  
8           subject matter jurisdiction of a court when one of its judges signs a judgment or  
9           order outside of the court's territorial jurisdiction. See Articles 2 and 3.

10   \*       \*       \*

11           Art. 863. Signing of pleadings; effect

12           A. Every pleading of a party represented by an attorney shall be signed by  
13           at least one attorney of record in his individual name, whose physical address and  
14           email address for service of process shall be stated. A party who is not represented  
15           by an attorney shall sign his pleading and state his physical address and email  
16           address, if he has an email address, for service of process. If mail is not received at  
17           the physical address for service of process, a designated mailing address shall also  
18           be provided.

19   \*       \*       \*

20           Art. 891. Form of petition

21           A. The petition shall comply with Articles 853, 854, and 863, and, whenever  
22           applicable, with Articles 855 through 861. It shall set forth the name, surname, and  
23           domicile of the parties; shall contain a short, clear, and concise statement of all  
24           causes of action arising out of, and of the material facts of, the transaction or  
25           occurrence that is the subject matter of the litigation; shall designate ~~an~~ a physical  
26           address, not a post office box, and an email address for receipt of service of all items  
27           involving the litigation; and shall conclude with a prayer for judgment for the relief  
28           sought. Relief may be prayed for in the alternative.

29   \*       \*       \*

30           Art. 1313. Service by mail, delivery, or electronic means

31   \*       \*       \*

1 C. Notwithstanding Paragraph A of this Article, if a pleading or order sets  
 2 a court date, then service shall be made ~~either~~ by registered or certified mail or as  
 3 provided in Article 1314, ~~or~~ by actual delivery by a commercial courier, or by  
 4 emailing the document to the email address designated by counsel or the party.  
 5 Service by electronic means is complete upon transmission, provided that the sender  
 6 receives an electronic confirmation of delivery.

7 \* \* \*

8 Comments – 2021

9 Paragraph C of this Article has been amended to allow service of a pleading  
 10 or order setting a court date by emailing the party or his counsel at a designated  
 11 email address, provided that the sender receives an electronic confirmation of  
 12 delivery. See R.S. 9:4845(2). If such confirmation is not received, the sender will  
 13 need to use one of the other alternative methods of service provided in Paragraph C.

14 Section 2. R.S. 9:2603(B)(2) is hereby amended and reenacted to read as follows:

15 §2603. Scope

16 \* \* \*

17 B. This Chapter shall not apply to:

18 \* \* \*

19 (2) A transaction to the extent it is governed by the provisions of Title 10 of  
 20 the Louisiana Revised Statutes of 1950, ~~other than R.S. 10:1-107.~~

21 \* \* \*

22 Section 3. Code of Civil Procedure Article 196 and R.S. 9:2603(B)(4)(a) are hereby  
 23 repealed in their entirety.

24 Section 4. This Act shall become effective January 1, 2022.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_