

2020 Regular Session

HOUSE BILL NO. 148

BY REPRESENTATIVE MIKE JOHNSON

CIVIL/VENUE: Provides relative to venue for certain actions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 76; relative to venue for actions on
3 insurance policies; to provide relative to uninsured motorist policies; to provide for
4 an exception to specific venue provisions for certain parties; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Art. 76. Action on insurance policy

8 A. An action on a life insurance policy may be brought in the parish where
9 the deceased died, the parish where he was domiciled, or the parish where any
10 beneficiary is domiciled.

11 B. An action on a health and accident insurance policy may be brought in the
12 parish where the insured is domiciled, or in the parish where the accident or illness
13 occurred.

14 C. Notwithstanding Article 42 and R.S. 22:1269, an action on an uninsured
15 motorist policy shall be brought in the parish where the wrongful conduct occurred
16 or where the damages were sustained. An action solely against the uninsured
17 motorist policy may also be brought in the parish where the insured is domiciled.

18 D. An action on any other type of insurance policy may be brought in the
19 parish where the loss occurred or the insured is domiciled.

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)]

HB 148 Engrossed

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Mike Johnson

Abstract: Provides venue for actions on uninsured motorist policies.

Present law (C.C.P. Art. 42) provides the general rules of venue for individuals, partnerships, and foreign and domestic corporations and limited liability companies.

Present law (C.C.P. Art. 76) provides that actions on a health or accident insurance policy may be brought in the parish where the insured is domiciled or where the accident or illness occurred.

Present law (R.S. 22:1269) provides that an injured person or his survivors and heirs shall have a right of direct action against the insurer. The action is proper in the parish where the injury occurred or against the insurer under C.C.P. Art. 42.

Proposed law supersedes present law (C.C.P. Art. 42 and R.S. 22:1269) for actions on an uninsured motorist policy, and provides that such actions shall be brought in the parish where the wrongful conduct occurred or damages were sustained.

Proposed law provides that actions solely against the uninsured motorist policy may be brought in the parish where the insured is domiciled.

(Amends C.C.P. Art. 76)

Summary of Amendments Adopted by House

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

1. Remove proposed legislation regarding venue for delictual actions and provide for venue for actions on uninsured motorist policies.
2. Provide that proposed law supersedes certain provisions of present law.