

2016 Regular Session

HOUSE BILL NO. 797

BY REPRESENTATIVE SHADOIN

CIVIL/VENUE: Provides for venue in actions involving a latent disease

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 42, relative to venue; to provide for
3 general rules of venue; to provide for venue for actions involving a latent disease;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 42 is hereby amended and reenacted to
7 read as follows:

8 Art. 42. General rules

9 A. The general rules of venue are that an action against:

10 (1) An individual who is domiciled in the state shall be brought in the parish
11 of his domicile; or if he resides but is not domiciled in the state, in the parish of his
12 residence.

13 (2) A domestic corporation, a domestic insurer, or a domestic limited
14 liability company shall be brought in the parish where its registered office is located.

15 (3) A domestic partnership, or a domestic unincorporated association, shall
16 be brought in the parish where its principal business establishment is located.

17 (4) A foreign corporation or foreign limited liability company licensed to do
18 business in this state shall be brought in the parish where its principal business
19 establishment is located as designated in its application to do business in the state,

1 or, if no such designation is made, then in the parish where its primary place of
2 business in the state is located.

3 (5) A foreign corporation or a foreign limited liability company not licensed
4 to do business in the state, or a nonresident who has not appointed an agent for the
5 service of process in the manner provided by law, other than a foreign or alien
6 insurer, shall be brought in the parish of the plaintiff's domicile or in a parish where
7 the process may be, and subsequently is, served on the defendant.

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

12 (7) A foreign or alien insurer shall be brought in the parish of East Baton
13 Rouge.

14 B. Notwithstanding the provisions of Paragraph A of this Article, in an
15 action involving a latent disease, including but not limited to asbestos or silica-
16 related disease, the plaintiff may begin the action only in the parish where the
17 wrongful conduct occurred or in the parish where the damages were sustained.

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 797 Original

2016 Regular Session

Shadoin

Abstract: Limits proper venue for actions involving a latent disease, including asbestosis or silica-related disease, to the parish where the wrongful conduct occurred or the parish where the damages were sustained.

Present law provides general rules of venue for actions against individuals, domestic and foreign corporations, limited liability companies, unincorporated associations, and partnerships, and foreign and alien insurers.

Proposed law retains present law and provides that notwithstanding present law, proper venue for actions involving a latent disease, including asbestosis or silica-related disease, is limited to the parish where the wrongful conduct occurred or the parish where the damages were sustained.

(Amends C.C.P. Art. 42)