

Regular Session, 2014

SENATE BILL NO. 222

BY SENATOR MURRAY

CIVIL PROCEDURE. Provides relative to service of process. (gov sig)

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AN ACT

To amend and reenact R.S. 13:5107(D)(1) and to enact Code of Civil Procedure Articles 1201(D) and 3955(D), relative to service of process; to provide relative to time periods for service and interruptions; to provide relative to certain legal delays; to provide certain terms, conditions, procedures and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5107(D)(1) is hereby amended and reenacted to read as follows:

§5107. Service of citation and process

* * *

D.(1) In all suits in which the state, a state agency, or political subdivision, or any officer or employee thereof is named as a party, service of citation shall be requested within ninety days of the commencement of the action or the filing of a supplemental or amended petition which initially names the state, a state agency, or political subdivision or any officer or employee thereof as a party. This requirement may be expressly waived by the defendant in such action by any written waiver. **If not waived, a timely request for service of citation upon the defendant shall**

1 interrupt the period in which service must be requested, notwithstanding
 2 insufficient or erroneous service.

3 * * *

4 Section 2. Code of Civil Procedure Articles 1201(D) and 3955(D) are hereby
 5 enacted to read as follows:

6 Art. 1201. Citation; waiver; delay for service

7 * * *

8 **D. If not waived, a timely request for service of citation upon the**
 9 **defendant shall interrupt the period in which service must be requested,**
 10 **notwithstanding insufficient or erroneous service.**

11 * * *

12 Art. 3955. Service of petition

13 * * *

14 **D. If not waived, a timely request for service of citation upon the**
 15 **defendant shall interrupt the period in which service must be requested,**
 16 **notwithstanding insufficient or erroneous service.**

17 Section 3. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

Murray (SB 222)

Present law relative to service of citation and process in civil case provides generally that, if service of citation is not waived, then such service shall be requested within 90 days of commencement of the action.

Proposed law adds that if service of citation is not waived, then a timely request for service of citation upon the defendant shall interrupt the period in which service must be requested, notwithstanding insufficient or erroneous service.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:5107(D)(1); adds CCP Arts. 1201(D) and 3955(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Deleted language providing relative to service of citation within 150 days under certain circumstances.
2. Deleted language providing relative to service by registered or certified mail and to returns by sheriff.