

SENATE BILL NO. 222

BY SENATOR MURRAY

1 AN ACT

2 To amend and reenact R.S. 13:5107(D)(1) and to enact Code of Civil Procedure Articles
3 1201(D) and 3955(D), relative to service of process; to provide relative to time
4 periods for service and interruptions; to provide relative to certain legal delays; to
5 provide certain terms, conditions, procedures and effects; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §5107. Service of citation and process

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11 D.(1) In all suits in which the state, a state agency, or political subdivision,
12 or any officer or employee thereof is named as a party, service of citation shall be
13 requested within ninety days of the commencement of the action or the filing of a
14 supplemental or amended petition which initially names the state, a state agency, or
15 political subdivision or any officer or employee thereof as a party. This requirement
16 may be expressly waived by the defendant in such action by any written waiver. **If**
17 **not waived, a request for service of citation upon the defendant shall be**
18 **considered timely if requested on the defendant within the time period provided**
19 **by this Section, notwithstanding insufficient or erroneous service.**

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

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

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D. If not waived, a request for service of citation upon the defendant shall be considered timely if requested on the defendant within the time period provided by this Article, notwithstanding insufficient or erroneous service.

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Art. 3955. Service of petition

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D. If not waived, a request for service of citation upon the defendant shall be considered timely if requested on the defendant within the time period provided by this Article, notwithstanding insufficient or erroneous service.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____