
DIGEST

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HB 178 Engrossed

2023 Regular Session

Gregory Miller

Abstract: Authorizes proper venue in the parish of East Baton Rouge for activities against foreign or alien insurers.

Present law (C.C.P. Art. 42(7)) requires that actions against foreign or alien insurers be brought in the parish of East Baton Rouge.

Proposed law changes present law by removing the requirement that cases against foreign or alien insurers shall be brought in the parish of East Baton Rouge.

Proposed law provides that actions against foreign or alien insurers may be filed under the general rules of venue (C.C.P. Art. 42-45), including the parish of East Baton Rouge, or under the exceptions to the general rules of venue (C.C.P. Arts. 71-78).

Present law (C.C.P. Art. 123) provides that for the convenience of parties and witnesses, in the interest of justice, a district court upon contradictory motion or upon the court's own motion after contradictory hearing may transfer a civil case to another district court where it might have been brought.

Proposed law (C.C.P. Art. 123) retains present law and provides that if an action is brought in the parish of East Baton Rouge pursuant to C.C.P. Art. 42(7) and venue is also proper elsewhere, it shall be presumed that venue is not for the convenience of the parties and witnesses.

(Amends C.C.P. Art. 42(7); Adds C.C.P. Art. 123(A)(3))

Summary of Amendments Adopted by House

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

1. Expand forum non conveniens to apply to certain cases that are brought in the parish of East Baton Rouge pursuant to C.C.P. Art. 42(7).