

Regular Session, 2010

SENATE BILL NO. 366

BY SENATOR MICHOT

CIVIL PROCEDURE. Provides relative to venue. (gov sig)

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AN ACT

To amend and reenact Code of Civil Procedure Art. 45, relative to venue and conflicts between articles; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 45 is hereby amended and reenacted to read as follows:

Art. 45. Conflict between two or more articles in Chapter

The following rules determine the proper venue in cases where two or more articles in this Chapter may conflict:

(1) Article 78, 79, 80, 81, 82, or 83 governs the venue exclusively; if ~~this~~ the article conflicts with any of Articles 42, ~~and 71,~~ 72, 73, 74, 74.1, 74.2, 74.3, 75, 76, 76.1, or ~~through~~ 77;

(2) If there is a conflict between two or more Articles 78, 79, 80, 81, 82, or ~~through~~ 83, the plaintiff may bring the action in any venue provided by any applicable article; and

(3) If Article 78, 79, 80, 81, 82, or 83 is not applicable, and there is a conflict between two or more of Articles 42, 71, 72, 73, 74, 74.1, 74.2, 74.3, 75, 76, 76.1, or ~~and 71~~ ~~through~~ 77, the plaintiff may bring the action in any venue provided by any applicable

1 article.

2 Section 2. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Angela Lockett De Jean.

DIGEST

Michot (SB 366)

Present law in Code of Civil Procedure provides relative to venue and which venue article controls in the event of a conflict between two or more articles. Proposed law retains present law but revises language to list specific articles.

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

(Amends C.C.P. Art. 45)