



**SELECTED LEGISLATION ON
CIVIL LAW AND PROCEDURE**

from the 2023 Regular Session
of the Louisiana Legislature

Prepared by

**House Legislative Services
Louisiana House of Representatives
July 2023**

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SELECTED CIVIL LAW LEGISLATION

Children's Code

Act No. 226 (HB 184) by Rep. Frieman

Provides that prior to a continued custody hearing, a suitable relative or other suitable individual may intervene or seek and obtain an ex parte court order to take provisional custody of the child pending the continued custody hearing.

Provides that for good cause shown the court may allow any family member or interested person to intervene to facilitate the placement of the child, but the court may limit the nature and extent of the intervenor's participation in the adjudication hearing.

Defines interested person as any person with whom the child enjoys a close, established, significant relationship, yet not a blood relative, including a neighbor, godparent, teacher or close friend of the parent.

Effective August 1, 2023. (Amends Ch.C. Art. 622(A); Adds Ch.C. Art. 650)

Act No. 16 (HB 194) by Rep. Thompson

Removes the requirement that the parents of the child be married at the time of the death of a parent for grandparents to be entitled to post-adoption visitation rights.

Effective August 1, 2023. (Amends Ch.C. Art. 1264)

Act No. 271 (HB 298) by Rep. Hughes

Provides that if termination of parental rights is granted when a child is conceived as a result of a sex offense, the perpetrator loses all parental rights. Additionally, the perpetrator loses the right to intervene in the custody, visitation, or contact action.

Provides for a specific provision exclusively covering termination of parental rights when the child is conceived as a result of a sex offense, and the court shall have discretion to decide whether to appoint counsel for the child.

Provides that the minor child shall not be required to interact with the respondent or be made available for visitation or conversation with the respondent's family because it is not in the best interest of the child.

Provides that in actions based on Ch.C. Art. 1015.1, if the alleged grounds are not proven, any determination of parental rights of the alleged perpetrator shall be determined in a separate action independent of the termination proceeding.

Effective June 9, 2023. (Amends Ch.C. Arts. 1004(A), 1004.1, 1015, 1015.1, 1016(A), 1037(B), and 1039(B), and C.C. Art. 137(A); Adds Ch.C. Arts. 1004.2 and 1015.2; Repeals Ch.C. Art. 1004(I))

Civil Procedure

Act No. 5 (HB 230) by Rep. G. Miller (on recommendation of the Louisiana State Law Institute)

Provides for semantic changes ("suits" changed to "actions"). Repealed outdated provisions relative to abandonment of actions as a result of Hurricanes Katrina and Rita.

Provides that a court's lack of subject matter jurisdiction is a peremptory exception rather than a declinatory exception. Provides for unopposed motions and sets forth the procedure for certifying unopposed motions.

Provides relative to the filing of supplemental petitions and the preparation of a privilege log.

Provides for the actual delivery of notice to obtain a default judgment. Provides that a signing of a final judgment may be in any place where the judge is physically located.

Provides for the circumstances that permit the granting of a temporary restraining order without notice and adds that the notice shall not be sent from the court.

Repeals clerk recommendation requirement for applications to proceed in forma pauperis.

Effective August 1, 2023. (Amends C.C.P. Arts. 531, 561(A), 925(A)(intro. para.) and (C), 927(A)(intro. para.) and (B), 963, 1155, 1424(C), 1702(A)(2) and (3), 1810(heading), 1912, and 3603(A)(intro. para.) and (2) and R.S. 40:1231.8(B)(2)(a) and 1237.2(B)(2)(a); Adds C.C.P. Arts. 927(A)(8) and 1702(A)(5); Repeals C.C.P. Arts. 925(A)(6) and 5183(A)(3))

Act No. 7 (HB 7) by Rep. Muscarello

Provides that the notice requirements for default judgments as provided in C.C.P. Art. 1702 shall not be required when the plaintiff intends to obtain a default judgment for divorce under C.C. Art. 103(1) or 103(5).

Effective August 1, 2023. (Adds C.C.P. Art. 1702(F)(3))

Act No. 309 (HB 376) by Rep. Boyd

Provides relative to the transmission of the Uniform Abuse Prevention Orders by the clerk to the judicial administrator's office.

Effective August 1, 2024. (Amends R.S. 46:2136(H) and 2136.2(D); Adds 46:2136.2(G))

Act No. 317 (HB 196) by Rep. Brown (on recommendation of the Louisiana State Law Institute)

Adds certified copies of public documents or public records, certified copies of insurance policies, authentic acts, private acts duly acknowledged, promissory notes and assignments thereof as documents that may be filed or referenced in support of or opposition to a motion for summary judgment as provided for in C.C.P. Art. 966.

Provides that any document previously filed into the record in support of or opposition to a motion for summary judgment may be referenced in the motion or opposition if the party referencing the document furnishes to the court and the opposing party a copy of the document with the pertinent part designated and with the filing information.

Provides that motions for summary judgment, oppositions, and reply memoranda be filed and served electronically in accordance with C.C.P. Art. 1313(A)(4).

Provides that any reply memorandum shall be filed and served not less than five days exclusive of legal holidays notwithstanding C.C.P. Art. 5059(B)(3).

Provides that the court shall not reconsider or revise the granting of a motion for partial summary judgment on motion of a party who failed to meet the deadlines imposed by C.C.P. Art. 966(B), nor shall the court consider any documents filed after those deadlines.

Provides that the court shall consider only those documents filed in support of or opposition to a motion for summary judgment, with the exception of any document that is excluded pursuant to a timely filed objection.

Provides that objections made in accordance with C.C.P. Art. 1425(F) to determine whether an expert is qualified or whether the expert's methodologies are reliable shall be filed, heard, and decided prior to the hearing on a motion for summary judgment.

Provides that when the court grants a motion for summary judgment, a party or nonparty that is not negligent, is not at fault, or did not cause in whole or in part the injury or harm alleged shall not be considered in any subsequent allocation of fault. That, however, does not apply if the trial or appellate court's judgment rendered in accordance with C.C.P. Art. 966 is reversed. If the judgment is reversed by an appellate court, the reversal applies to all parties.

Effective August 1, 2023. (Amends C.C.P. Art. 966(A)(4), (B)(1), (2), and (3), (D)(2), and (G); Adds C.C.P. Art. 966(B)(5) and (D)(3))

Act No. 368 (HB 339) by Rep. G. Miller

Provides for the admission of evidence to establish the fault of a principal when a party or nonparty acted pursuant to a mandate or procuracy in motions for summary judgment.

Effective August 1, 2023. (Amends C.C.P. Art. 966(G))

SB 196 by Sen. Peacock (Vetoed by the Governor)

Would have created the Litigation Financing Disclosure and Security Protection Act requiring the disclosure of a litigation financing agreement to all litigants upon the later of 60 days after the commencement of a civil action or 60 days after the execution of the litigation financing agreement. Would have excluded non-profit legal organizations seeking only injunctive relief on behalf of their clients. Would have made any litigation financing contract that violated vetoed law absolutely null.

Contracts

Act No. 440 (HB 61) by Rep. Schlegel

Provides that any contract entered into between an unemancipated minor and an interactive computer service without the consent of the legal representative of the minor shall be relatively null.

Directs the Louisiana State Law Institute to study and report to the Legislature by March 1, 2024, as to the impact of this new law on relevant Civil Code articles and compatibility with the Civil Code.

Effective August 1, 2024. (Adds R.S. 9:2717.1)

Act No. 456 (SB 162) by Sen. McMath

Creates the "Secure Online Child Interaction and Age Limitation Act". Provides that a social media company shall not permit a minor to hold a social media account unless the minor has express consent from a parent or guardian. Provides that the social media company make commercially reasonable efforts to verify the age of account holders.

Provides for certain account supervision mechanisms for parents or guardians.

Provides for attorney general civil action and enforceability.

Effective prospectively starting July 1, 2024. (Adds R.S. 51:1741-1759)

Family Law

Act No. 24 (HB 337) by Rep. Carpenter

Removes the minimum child support award, which was previously set at \$100 per month, except in cases involving shared or split custody or a medically documented disability.

Provides that the court's consideration in determining whether to deviate from the guidelines for child support may include that the adjusted gross income of the parties is equal to or less than \$950.

Provides that if the adjusted gross income of the parties is less than the lowest sum on the schedule, the court shall determine an amount of child support based on earnings, income, and other evidence of ability to pay.

Provides that in no event shall the lowest basic amount of child support in the schedule be construed as a limitation on the court's authority to deviate under R.S. 9:315.1(C).

Effective January 1, 2024. (Amends R.S. 9:315.1(C) and 315.2(D); Repeals R.S. 9:315.14)

Act No. 439 (HB 5) by Rep. Frieman

Provides that the biological mother of a child may recover 50% of documented out-of-pocket pregnancy-related medical expenses from the biological father of the child. Provides for a two-year preemptive period from the day of the birth of the child.

Effective August 1, 2023. (Amends the heading of Part 1-B of Chapter 1 of Code Title VII of Book I of Title 9 of the La. Revised Statutes of 1950; Adds R.S. 9:399.2)

Insurance

Act No. 206 (SB 106) by Sen. Smith

Provides the policyholder the right to request and receive a written report on any portion of the claim file in connection with an unsettled property insurance claim unless the record is legally privileged.

Effective August 1, 2023. (Amends R.S. 22:41(14); Adds R.S. 22:1964(14)(p))

Act No. 312 (HB 468) by Rep. Pressly

Provides relative to insurer utilization review standards and approval procedures for healthcare service claims submitted by healthcare providers.

Effective January 1, 2024. (Adds R.S. 22:1260.41-1260.48)

Act No. 328 (SB 156) by Sen. Duplessis

Prohibits an insurer from including a policy provision that disallows the insured the right to hire a public adjuster. Exempts certain commercial policies.

Effective August 1, 2023. (Adds R.S. 22:1274)

Act No. 364 (HB 183) by Rep. Firment

Prohibits the assignment of post-loss benefits under certain residential or commercial property insurance policies. Prohibits the solicitation of such assignment and violations of such shall be considered an unfair or deceptive trade practice.

Effective August 1, 2023. (Adds R.S. 22:1274; Repeals R.S. 37:2159.1(7))

Act No. 453 (SB 109) by Sen. Talbot

Provides for balance billing by and reimbursement of covered health services provided by out-of-network emergency ambulance services.

Effective August 1, 2023. (Adds R.S. 22:1880.2)

Judicial Affairs

Act No. 52 (HB 49) by Rep. C. Owen

Authorizes an increase in transcription fees for the 36th Judicial District, subject to approval by the Judicial Council.

Effective August 1, 2023. (Amends R.S. 13:961(F)(1)(o))

Act No. 64 (HB 202) by Rep. Muscarello

Provides for a judicial building fund service charge not to exceed \$20 for all cases over which the City Court of Hammond has jurisdiction, subject to prior approval of the local governing authority.

Effective August 1, 2023. (Adds R.S. 13:1910.2)

Act 145 (HB 359) by Rep. G. Miller

Creates the River Parishes Juvenile Justice District with territorial jurisdiction throughout the 23rd, 29th, and 40th Judicial Districts and including the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

Effective August 1, 2023. (Adds R.S. 15:1109-1109.6)

Act 166 (HB 357) by Rep. Huval

Creates the Acadiana Regional Juvenile Justice District with territorial jurisdiction throughout the parishes of Acadia, Allen, Evangeline, Iberia, Jefferson Davis, St. Landry, St. Martin, St. Mary, and Vermilion.

Effective June 7, 2023. (Adds R.S. 15:1009-1109.7)

Act 228 (HB 193) by Rep. C. Owen

Authorizes an increase in transcription fees for the 30th Judicial District, subject to approval by the Judicial Council.

Effective August 1, 2023. (Amends R.S. 13:978(H)(1)(a))

Act 326 (SB 142) by Sen. Carter

Authorizes the appointment of court reporters licensed in another state during a court reporter shortage.

Effective August 1, 2023. (Adds R.S. 13:981.1)

Labor

Act No. 210 (SB 200) by Sen. Duplessis

Provides that retaliation against an employee for an absence from work due to genetic testing or a medically necessary cancer screening shall be an unlawful employment practice.

Effective August 1, 2023. (Amends R.S. 23:302(7) and (8); Adds R.S. 23:302(9) and (10) and R.S. 23:370)

Liability

Act No. 56 (HB 86) by Rep. Hodges

Provides immunity from civil liability for any public school or approved nonpublic school teacher, principal, or administrator who acts or fails to act in the directing of or disciplining of school students.

Provides for immunity from civil liability and criminal prosecution for such teachers, principals, and administrators who intervene or act in justifiable defense to protect a student or school employee from a battery or aggravated battery committed by a student.

Effective August 1, 2023. (Amends R.S. 17:416.11)

Act No. 407 (HB 379) by Rep. McKnight

Provides that St. Patrick's Day parades have the same liability coverage as Mardi Gras parades as provided in R.S. 9:2796.

Effective August 1, 2023. (Adds R.S. 9:2796(C); Repeals R.S. 9:2796.1)

Act No. 412 (HB 586) by Rep. Stefanski

Provides for civil liability for serious bodily injury or death of persons, beginning January 1, 2015, for any entity or foreign state engaging in or facilitating illicit drug trafficking or its commercial activity. Exempts manufacturers of fentanyl that are registered with the U.S. attorney general pursuant to 21 U.S.C. 822.

Provides that the defendant shall have the burden of proving that it did not engage in or facilitate the illicit trafficking or related commercial activity of the unintended ingestion of illicit fentanyl that produced damages.

Effective August 1, 2023. (Adds R.S. 9:2800.77)

Natural Resources

Act No. 88 (HB 455) by Rep. Coussan

Provides relative to rights in minerals and production and related accounts including standardization of language and updates to terminology and the repeal of the accrual of liberative prescription against certain mineral or royalty rights related to the minority or other legal disability.

Effective August 1, 2023. (Amends R.S. 31:11(Heading), 39, 75, 79, 114, 138.1(A) and (B), 156, 164, 166, 175, 192, 204, 206(A); Repeals R.S. 9:5805)

Act No. 378 (HB 571) by Rep. Schexnayder

Provides relative to carbon capture and sequestration, including storage facility operator liability periods and releases from liability and recordation procedures.

Effective June 14, 2023. (Amends the heading of Subpart A-3 of Part II of Chapter 2 of Subtitle 1 of Title 30, R.S. 30:209(4)(e)(intro. para.), 1105(A), 1107(C), 1109(A), 1110(C)(intro. para.), and (I)(intro. para.) and (f) and (g), (E)(2), (F), (G), and (H); Adds R.S. 30:6(H) and 149, the heading of Subpart A-4 of Part II of Chapter 2 of Subtitle I of Title 30, R.S. 30:209.2, 1104.1, 1107.1, 1109(G), 1110(C)(1)(h) and (I), and 1112, and R.S. 56:30.5)

Property

Act No. 390 (SB 140) by Sen. Foil

Provides for judicial sales conducted through an online auction, including notice procedures, qualifications of bidders, and duties for service. Provides with respect to the use and compensation of online auction companies, including assessed fees and buyer's premiums.

Effective August 1, 2023. (Amends C.C.P. Arts. 2293(B)(1), 2334, 2721, and 2724(A) and R.S. 13:3852, 4341, 4360, and 5530(A)(7)(a); Adds C.C.P. Art. 2344 and R.S. 13:4358 and 4369)

Act No. 401 (HB 176) by Rep. Jefferson (on recommendation of the Louisiana State Law Institute)

Provides that a transferee in good faith and for fair value acquires ownership of a corporeal movable from a transferor who is not the owner only if the transferor has possession of the thing with consent of the owner, is a merchant customarily selling similar things, and transfers the thing in the regular course of the transferor's business.

Provides that movables required by law to be registered are subject to the provisions of the Vehicle Certificate of Title Law.

Effective August 1, 2023. (Amends C.C. Art. 525; Adds C.C. Art. 520)

Act No. 421 (HB 220) by Rep. Pressly (on recommendation of the Louisiana State Law Institute)

Provides relative to petitory actions, possessory actions, actions for declaratory judgments to determine ownership, and similar proceedings.

Provides relative to the burden of proof for individuals claiming ownership of an immovable against another in possession of the immovable. Provides relative to actions pleaded in a reconventional demand and adds an exception that possessory actions shall not be cumulated with petitory actions or declaratory judgment actions to determine ownership.

Extends burden of proof required by petitory actions to actions for a declaratory judgment or a concursus, expropriation, or similar proceeding.

Provides that precarious possessors may bring possessory actions. Provides for circumstances when evidence of ownership or title may be admitted in a possessory action. Provides that relief granted in a possessory action is not available against the state or defendants who appeared in the action through an attorney appointed to represent them.

Effective August 1, 2023. (Amends C.C. Arts. 531 and 3440 and C.C.P. Arts. 1061, 3651, 3653-3655, 3656(A), 3657-3662, and 3669)

Act No. 464 (HB 537) by Rep. Hodges

Prohibits a foreign adversary or person connected with a foreign adversary from purchasing, leasing, or acquiring immovable property in this state. Provides that parties to a contract with a foreign adversary may rescind the contract prior to the transfer of immovable property.

Provides that new law is not applicable to existing contracts to purchase, lease, or otherwise acquire immovable property prior to August 1, 2023. Provides that new law is not applicable to the following:

- (1) A natural person who is a U.S. citizen.

- (2) A person who is a permanent legal resident or lawfully present in the U.S. with a valid visa.
- (3) A juridical person wholly owned by persons who qualify under new law.
- (4) Immovable property purchased, leased, or otherwise acquired by a natural person that is used as a single family residential property.
- (5) A juridical person who owned and conducted oil and gas operations in Louisiana prior to July 1, 2023, and was granted a general license by the U.S. Department of the Treasury, Office of Foreign Assets Control.

Provides that the attorney general may bring an action for injunctive relief in the name of the state against a foreign adversary or person connected with a foreign adversary prior to or after the transfer of property is complete.

Provides that the property may be sold at judicial sale to someone who is not a foreign adversary or to a person who is not connected to a foreign adversary. All proceeds shall be paid to the Dept. of Justice to fund services for veterans of foreign wars after satisfying all encumbrances to the property.

Effective August 1, 2023. (Adds R.S. 9:2717.1)

Successions

Act No. 38 (SB 55) by Sen. Luneau

Provides that a nonresident succession representative may execute a procuration or mandate to appoint a state resident to represent the nonresident succession representative in all acts of his administration.

Provides that a resident succession representative may appoint an agent to represent him when temporarily from the state. A mandate granted under those terms may either state specific terms of the transaction or that the succession representative has approved of the terms of the transaction.

Provides for the filing of the procuration or mandate rather than the power of attorney in the record of the succession proceeding which shall not need court approval.

Effective July 1, 2023. (Amends C.C.P. Art. 3191(B))

Miscellaneous

Act No. 23 (HB 314) by Rep. Larvadain

Provides that fire fighters are included under the definition of trained peer support member.

Provides that the International Association of Fire Fighters training is included in the definition of peer support training.

Provides that fire fighters are included under the definition of public safety personnel.

Effective August 1, 2023. (Amends C.E. Art. 518(B) and R.S. 40:2411(C)(6) and (7))

Act No. 60 (HB 142) by Rep. Beaulieu

Provides that under the La. Uniform Transfer to Minors Act, an adult is an individual who has attained the age of 22 years and a minor is an individual who has not attained the age of 22 years.

Provides that the custodian shall transfer the custodial property to the minor or the minor's estate upon the earlier of the minor's attainment of 22 years of age, the minor's judicial emancipation, or the minor's death.

Effective August 1, 2023. (Amends R.S. 9:751(1) and (10) and 770(1))

Act No. 178 (HB 650) by Rep. Edmonds

Provides that official journals have a website and post the local government's proceedings and notices on that website and on a collective website in which a majority of the state's official journals participate. Provides relative to compensation and notice retention.

See Act for effective date. (Amends R.S. 43:140(3)(intro. para.) and 147(A) and (B); Adds R.S. 43:141.1, 143.1, 147.1, and 147.2; Repeals R.S. 43:147 and 147.2)

Constitutional Amendments

Of the 29 proposed constitutional amendments filed for consideration during the 2023 Regular Session, the following seven constitutional amendments shall be submitted to the voters.

Act No. 48 (HB 46) By Rep. Hughes

Constitutional amendment that allows for denial of an ad valorem tax exemption for property owned by a nonprofit corporation or association and leased as housing if the property is found by a local governing authority to be in such a state of disrepair that it endangers public health or safety.

Provides for the submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2023.

(Amends Const. Art. VII, §21(B))

Act No. 107 (HB 47) by Rep. Nelson

Constitutional amendment that requires a minimum of 25% of all nonrecurring state revenues to be applied to the Unfunded Accrued Liability of certain state retirement systems.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2023.

(Amends Const. Art. VII, §10(D)(2)(b)(ii) and (iii))

Act No. 179 (SB 127) by Sen. Duplessis

Constitutional amendment that authorizes parish governing authorities to approve an additional ad valorem tax exemption of up to \$2,500 of the assessed valuation of property receiving the homestead exemption that is owned and occupied by a qualified first responder.

Provides for the submission of the proposed amendment to the voters at the statewide election to be held on Nov. 18, 2023.

(Adds Const. Art. VII, §21(O))

Act No. 198 (HB 244) by Rep. Bishop

Constitutional amendment that authorizes the legislature to use up to \$250,000,000 from the Revenue Stabilization Trust Fund to alleviate a budget deficit subject to conditions set forth by law and subject to a two-thirds vote.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 18, 2023.

(Amends Const. Art. VII, §10.15(E)(1) and (F); Adds Const. Art. VII, §10.15(G))

Act No. 200 (HB 311) by Rep. Miguez

Constitutional amendment that prohibits the use of funds and resources from a foreign government or a nongovernmental source for the conduct of elections unless provided for in the election code and subject to restrictions provided by general law.

Provides for the submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2023.

(Adds Const. Art. XI, §6)

Act No. 199 (HB 254) by Rep. Thomas

Repeals funds for the Atchafalaya Basin Conservation Fund, Higher Education Louisiana Partnership Fund, Millennium Leverage Fund, Agricultural and Seafood Products Support Fund, First Use Tax Trust Fund, and the Louisiana Investment Fund for Enhancement.

Provides for the submission of the proposed amendment to the voters at the statewide election to be held Nov. 18, 2023.

(Repeals Const. Art. VII, §§4(D)(4)(b), 10.4, 10.10, and 10.12(B) and (C) and Const. Art. IX, §§9 and 10)

Act No. 30 (SB 63) Sen. Mizell

Provides that the rights of freedom of worship in churches or other places of worship is a fundamental right that is worthy of the highest order of protection.

Provides for the submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2023.

(Adds Const. Art. XII, §17)

**Civil Law and Procedure Legislation
that Failed to Pass**

HB 15 by Rep. Hollis

Would have provided for an annual audit of homeowners association comprised of 25 or more lot owners.

(Proposed to add R.S. 9:1141.10)

HB 152 by Rep. Amedee

Would have made it a fundamental right of parents to raise their children in accordance with their own values and traditions.

(Proposed to add Const. Art. I, §28)

HB 158 by Rep. Edmonston

Would have limited civil liability for refusal to mandate vaccinations for COVID-19 or other pandemic diseases and would have prohibited the denial of business permits and professional licenses for failure to mandate such vaccines.

(Proposed to add R.S. 9:2800.30)

HB 178 by Rep. G. Miller

Would have changed the general rule of venue for actions against foreign or alien insurers to be permissive in East Baton Rouge Parish.

(Proposed to amend C.C.P. Art. 42(7); Proposed to add C.C.P. Art. 123(A)(3))

HB 211 by Rep. Jordan

Would have prohibited slavery and involuntary servitude forever.

(Proposed to amend Const. Art. 1, §3)

HB 324 by Rep. Davis

Would have provided that when a defendant has accepted vicarious liability for any fault of the employee, agent, or other person, evidence of independent fault of the vicariously liable defendant, including alleged negligent hiring, training, retention, or entrustment, shall not be admissible.

(Proposed to add C.E. Art. 416)

HB 543 by Rep. Jordan

Would have provided for procedures when engaging in vehicle pursuit of a suspect. Would have provided for strict liability for an agency, department, or officer in certain circumstances.

(Proposed to add R.S. 9:2800.30)

HB 544 by Rep. Jordan

Would have provided relative to legislative continuances and extensions of time in court proceedings.

(Proposed to amend R.S. 13:4163(A)(1), (B), (C)(1)(c), (D)(2), (E)(1)(a) and (b), (G), and (H)(2); Proposed to add R.S. 13:4163(C)(3), (E)(2)(c), and (J))