

2024 Regular Session

HOUSE BILL NO. 21

BY REPRESENTATIVE MELERINE

CIVIL/PROCEDURE: Authorizes service of process by commercial courier

1 AN ACT

2 To amend and reenact R.S. 13:3425(B) and Code of Civil Procedure Article 5094, relative
3 to absent persons; to provide for service of process by commercial courier; to
4 provide for a definition; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:3425(B) is hereby amended and reenacted to read as follows:

7 §3425. Notice

8 * * *

9 B. A copy of the petition for appointment shall be mailed by the applicant
10 by registered or certified mail or delivered by commercial courier to each person
11 listed in the affidavit, and to each person requesting notice pursuant to R.S. 13:3426,
12 and shall notify him of the date and hour assigned by the court for a hearing thereon.

13 * * *

14 Section 2. Code of Civil Procedure Article 5094 is hereby amended and reenacted
15 to read as follows:

16 Art. 5094. Duties; notice to nonresident or absentee

17 A. When an attorney at law is appointed by the court to represent a defendant
18 who is a nonresident or an absentee, the attorney shall use reasonable diligence to
19 communicate with the defendant and inform him of the pendency and nature of the

1 action or proceeding, and of the time available for the filing of an answer or the
2 assertion of a defense otherwise.

3 B. For purposes of this Article, an attorney is deemed to have acted with
4 reasonable diligence when the attorney sends an absentee a letter by certified mail
5 or commercial courier to the last known address of the absentee in an effort to locate
6 the absentee and notify him of the appointment of the attorney to represent the
7 absentee defendant as curator.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 21 Original

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Melerine

Abstract: Provides relative to service of process by commercial courier for absent persons.

Present law provides that a copy of the petition for appointment as curator for absent persons shall be mailed by the applicant by registered or certified mail to each person listed in the affidavit.

Proposed law expands present law to include service of process by commercial courier.

Proposed law defines "reasonable diligence" for an attorney appointed to represent the absentee defendant as curator.

(Amends R.S. 13:3425(B) and C.C.P. Art. 5094)