

2024 Regular Session

HOUSE BILL NO. 21

BY REPRESENTATIVE MELERINE

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____