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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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DIGEST

SB 167 Original

2026 Regular Session

Seabaugh

Present law (C.C.P. Art. 1201) provides that citation and service thereof are essential in all civil actions except summary and executory proceedings, divorce actions under Civil Code Article 102, and proceedings under the Children's Code, and provides that without them all proceedings are absolutely null.

Present law (C.C.P. Art. 1201(C)) provides that service of the citation shall be requested on all named defendants within 90 days of commencement of the action.

Present law provides that when a supplemental or amended petition is filed naming any additional defendant, service of citation shall be requested within 90 days of its filing, and the additional defendant shall be served with the original petition and the supplemental or amended petition.

Present law provides that the requirement provided by present law (C.C.P. Art. 1201(C)) shall be expressly waived by a defendant unless the defendant files, in accordance with the provisions of C.C.P. Art. 928, a declinatory exception of insufficiency of service of process specifically alleging the failure to timely request service of citation or a contradictory motion in accordance with C.C.P. Art. 1672(C).

Present law (C.C.P. Art. 1201(D)) provides that, if not waived, a request for service of citation upon the defendant shall be considered timely if requested on the defendant within the time period provided by present law (C.C.P. Art. 1201), notwithstanding insufficient or erroneous service.

Proposed law retains present law.

Proposed law provides that service of citation shall not issue until the party who requests service first deposits with the clerk of court a sum of money sufficient to pay all fees for service of citation within the 90 day period set forth for the request of service of citation pursuant to present law.

Present law (C.C.P. Art. 1672(C)) provides that a judgment dismissing an action without prejudice shall be rendered as to a person named as a defendant for whom service has not been requested within the time prescribed by C.C.P. Art. 1201(C) or C.C.P. Art. 3955 upon the sustaining of a declinatory exception filed by such defendant, or upon contradictory motion of any other party, unless good cause is shown why service could not be requested, in which case the court may order that service be effected within a specified time.

Proposed law provides that a judgment dismissing an action without prejudice shall be rendered as

to a person named as a defendant for whom service has not been requested or for whom all fees for service of citation have not been paid within the time prescribed by proposed law C.C.P. Art. 1201 or 3955 upon the sustaining of a declinatory exception filed by such defendant, or upon contradictory motion of any other party, unless good cause is shown why service could not be requested or all fees for service of citation have not been paid, in which case the court may order that service be effected and all fees for service of citation paid within a specified time.

Proposed law provides that the provisions of proposed law shall have prospective application only.

Effective August 1, 2026.

(Amends C.C.P. Art. 1672(C); adds C.C.P. Art. 1201(E))