

SENATE BILL NO. 475

BY SENATOR MILLER

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AN ACT

To amend and reenact Code of Civil Procedure Arts. 1201(D), 1672(C), and 3955(D) and to enact Code of Civil Procedure Arts. 1201(E) and (F) and 3955(E) and (F), relative to service of process; to provide with respect to service of citation; to provide relative to payment of fees for service of citation in civil actions; to provide relative to a statement of the initial fees and of additional fees for request for service of citation; to provide relative to civil procedure; to provide relative to legal delays; to provide relative to payment of fees for service of citation in certain circumstances; to provide with respect to involuntary dismissal; to provide for prospective application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Arts. 1201(D), 1672(C), and 3955(D) are hereby amended and reenacted and Code of Civil Procedure Arts. 1201(E) and (F) and 3955(E) and (F) are hereby enacted to read as follows:

Art. 1201. Citation; waiver; delay for service

* * *

D. 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 this Article **and all fees specified by the clerk of court for service of citation are paid within the times provided by Paragraph E of this Article**, notwithstanding insufficient or erroneous service.

E.(1) Upon receipt of a request for service of citation pursuant to this Article, the clerk of court shall provide to the filing party a confirmation of receipt of the request and a statement of the initial fees for the requested

1 service, which shall be paid within the ninety-day period for requesting service
2 in accordance with Paragraph C of this Article.

3 (2) If additional fees are owed, the clerk of court shall provide to the
4 filing party a statement of additional fees for the requested service, which shall
5 be paid within the ninety-day period for requesting service in accordance with
6 Paragraph C of this Article or within thirty days from the date of receipt of the
7 statement of additional fees from the clerk of court, whichever period is longer.

8 F. The provisions of this Article regarding the payment of fees for service
9 of citation shall not apply to litigants permitted to litigate without the payment
10 of costs.

11 * * *

12 Art. 1672. Involuntary dismissal

13 * * *

14 C. A judgment dismissing an action without prejudice shall be rendered as
15 to a person named as a defendant for whom service has not been requested **or for**
16 **whom all fees specified by the clerk of court for service of citation have not been**
17 **paid** within the ~~time~~ **times** prescribed by Article 1201(€) or 3955 upon the
18 sustaining of a declinatory exception filed by such defendant, or upon contradictory
19 motion of any other party, unless good cause is shown why service could not be
20 requested **or all fees specified by the clerk of court for service of citation were**
21 **not paid**, in which case the court may order that service be effected **and that a**
22 **specific amount of fees for service of citation be paid** within a specified time.

23 * * *

24 Art. 3955. Service of petition

25 * * *

26 D. If not waived, a request for service of citation upon the defendant shall be
27 considered timely if requested on the defendant within the time period provided by
28 this Article **and all fees specified by the clerk of court for service of citation are**
29 **paid within the times provided by this Article**, notwithstanding insufficient or
30 erroneous service.

1 E.(1) Upon receipt of a request for service of citation pursuant to this
 2 Article, the clerk of court shall provide to the filing party a confirmation of
 3 receipt of the request and a statement of the initial fees for the requested
 4 service, which shall be paid within the ninety-day period for requesting service
 5 in accordance with Paragraph A of this Article.

6 (2) If additional fees are owed, the clerk of court shall provide to the
 7 filing party a statement of additional fees for the requested service, which shall
 8 be paid within the ninety-day period for requesting service in accordance with
 9 Paragraph A of this Article or within thirty days from the date of receipt of the
 10 statement of additional fees from the clerk of court, whichever period is longer.

11 F. The provisions of this Article regarding the payment of fees for service
 12 of citation shall not apply to litigants permitted to litigate without the payment
 13 of costs.

14 Section 2. The provisions of this Act shall have prospective application only.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____