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DIGEST

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Murray

SB No. 222

Present law, relative to service of citation and process in civil case, provides generally that, if service of citation is not waived, then such service shall be requested within 90 days of commencement of the action.

Proposed law adds that if service of citation is not waived, a request for service of citation upon the defendant shall be considered timely if requested on the defendant within the time period specified by present law, notwithstanding insufficient or erroneous service.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:5107(D)(1); Adds C.C.P. Arts. 1201(D) and 3955(D))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Deleted language providing relative to service of citation within 150 days under certain circumstances.
2. Deleted language providing relative to service by registered or certified mail and to returns by sheriff.

Summary of Amendments Adopted by HouseCommittee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Replaced provisions providing that a timely request for service of citation is interrupted by a timely request for service of citation with a provisions specifying that a request for service of citation shall be considered timely if requested within the time period specified by present law.