
DIGEST

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HB 336 Engrossed

2025 Regular Session

Wilder

Abstract: Provides venue for actions on uninsured and underinsured motorist policies.

Present law (C.C.P. Art. 42) provides the general rules of venue for individuals, partnerships, corporations, and limited liability companies.

Present law (C.C.P. Art. 45) provides for instances when there are conflicts in venue provisions.

Present law (C.C.P. Art. 76) provides that actions on a health or accident insurance policy may be brought in the parish where the insured is domiciled or where the accident or illness occurred.

Present law (R.S. 22:1269) provides that a direct action against an insurer is only permitted when:

- (1) The insured files for bankruptcy in a court of competent jurisdiction or when proceedings to adjudge an insured bankrupt have been commenced before a court of competent jurisdiction.
- (2) The insured is insolvent.
- (3) Service of citation or other process has been attempted without success or the insured defendant refuses to answer or otherwise defend the action within 180 days of service.
- (4) When the cause of action is for damages as a result of an offense or quasi-offense between children and their parents or between married persons.
- (5) When the insurer is an uninsured motorist carrier.
- (6) The insured is deceased.
- (7) When the insurer is defending the lawsuit under a reservation of rights, or the insurer denies coverage to the insured, but only for the purpose of establishing coverage.

Proposed law supersedes present law (C.C.P. Arts. 42 and 45 and R.S. 22:1269) and changes present law (C.C.P. Art. 76) by creating an exception that an uninsured and underinsured motorist policy shall not be brought in the parish in which the insured is domiciled unless the action is solely against the uninsured and underinsured motorist policy.

Proposed law provides that actions on an uninsured and underinsured motorist policy shall be

brought in the parish where the wrongful conduct occurred or the defendant's domicile.

(Amends C.C.P. Art. 76)