

Regular Session, 2012

HOUSE BILL NO. 1159

BY REPRESENTATIVES ARNOLD AND LEGER AND SENATOR MORRELL

CIVIL/ACTIONS: Provides relative to real and actual interest in civil actions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 681, relative to real and actual  
3 interests; to provide for real and actual interests of certain legal entities; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 681 is hereby amended and reenacted to  
7 read as follows:

8 Art. 681. Real and actual interest required

9 A. Except as otherwise provided by law, an action can be brought only by  
10 a person having a real and actual interest which he asserts.

11 B. When a corporation, limited liability company, or other juridical entity,  
12 or an unincorporated association seeks by action to secure for any of its members the  
13 benefits and enjoyment of any law, ordinance, or rule affecting the use of public or  
14 private property, or otherwise affecting the public order, against an actual or  
15 threatened deprivation, it shall be deemed to have a real and actual interest in what  
16 it asserts. Such benefits and enjoyment may, but need not, be economic.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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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Arnold

HB No. 1159

**Abstract:** Provides for certain legal entities to possess a real and actual interest on behalf of its members.

Present law provides that only a person having a real and actual interest can bring an action.

Proposed law retains present law and provides that a corporation, limited liability company, or other juridical entity or an unincorporated association can have a real and actual interest in what it asserts when doing so for the benefit of its members.

(Amends C.C.P. Art. 681)