

ACT No. 22

2022 Regular Session

HOUSE BILL NO. 58

BY REPRESENTATIVE GREGORY MILLER

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4566(D), relative to management of
3 affairs of the interdict; to provide relative to individuals with permanent disabilities;
4 to provide for irrevocable trusts; to provide for termination; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 4566(D) is hereby amended and
8 reenacted to read as follows:

9 Art. 4566. Management of affairs of the interdict

10 * * *

11 D.(1) A curator may place the property of the interdict in trust in accordance
12 with the provisions of Article 4269.1. The trust shall be subject to termination at the
13 option of the interdict upon termination of the interdiction, or if the interdict dies
14 during the interdiction, at the option of his heirs or legatees.

15 (2) For the purpose of retaining government benefits and upon a showing by
16 clear and convincing evidence that the interdict is permanently disabled and will not
17 recover capacity, the trust shall be irrevocable during the life of the interdict and
18 shall terminate upon the death of the interdict.

19 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 38

2022 Regular Session

HOUSE BILL NO. 184

BY REPRESENTATIVE GREGORY MILLER

(On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Code of Civil Procedure Articles 154(B) and 4862 and to enact Code of Civil Procedure Article 158(C), relative to the recusal of judges; to provide for time limitations; to provide for the denial of motions to recuse; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 154(B) and 4862 are hereby amended and reenacted and Code of Civil Procedure Article 158(C) is hereby enacted to read as follows:

Art. 154. Procedure for recusal of district court judge

* * *

B. If the motion to recuse sets forth a ground for recusal under Article 151, not later than seven days after the judge's receipt of the motion from the clerk of court, the judge shall either recuse himself or make a written request to the supreme court for the appointment of an ad hoc judge as provided in Article 155.

* * *

Comments – 2022

A new time limitation has been added to Paragraph B to require the judge who is the subject of the motion to recuse to act within seven days after receiving the motion from the clerk of court.

* * *

1 Art. 158. Recusal of judge of court of appeal

2 * * *

3 C. If the motion to recuse fails to set forth a ground for recusal under Article
4 151, the judge may deny the motion without the appointment of an ad hoc judge or
5 a hearing but shall provide written reasons for the denial.

6 Comments – 2022

7 Paragraph C of this Article is similar to Article 154 in that it allows a judge
8 of a court of appeal to deny a motion to recuse that fails to set forth a ground for
9 recusal without the appointment of an ad hoc judge or a hearing, but the judge must
10 give written reasons for the denial.

11 * * *

12 Art. 4862. Motion to recuse

13 A. When a written motion is made to recuse a judge of a parish court or city
14 court judge or a justice of the peace, not later than seven days after the judge or
15 justice of the peace receives the motion from the clerk of court, the judge or justice
16 of the peace shall either recuse himself, or the motion to recuse shall be tried in the
17 manner provided by Article 4863.

18 B. If the motion to recuse fails to set forth a ground for recusal under Article
19 151, the judge or justice of the peace may deny the motion without the appointment
20 of another judge or a hearing but shall provide written reasons for denial.

21 Comments - 2022

22 (a) A new time limitation has been added to Paragraph A of this Article to
23 require the judge or justice of the peace who is the subject of the motion to recuse
24 to act within seven days after receiving the motion from the clerk of court.

25 (b) Paragraph B of this Article is similar to Article 154 in that it allows a
26 judge of a parish or city court or a justice of the peace to deny a motion to recuse that
27 fails to set forth a ground for recusal under Article 151 without a hearing or the
28 appointment of another judge or justice of the peace, but the judge or justice of the
29 peace must give written reasons for the denial.

1 Section 2. The Louisiana Law Institute is hereby directed to print the following
2 Comment to Code of Civil Procedure Article 153:

3 The factual basis for the judge's recusal must pertain to one of the grounds
4 for recusal set forth in Article 151. The fact that a judicial complaint has been filed
5 against the judge by one of the parties, without more, is not sufficient to constitute
6 a ground for recusal.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 44

2022 Regular Session

HOUSE BILL NO. 309

BY REPRESENTATIVE JENKINS

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 3434(C)(1), relative to the delivery
3 of property subject to a small succession; to provide for recordation of a death
4 certificate; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 3434(C)(1) is hereby amended and
7 reenacted to read as follows:

8 Art. 3434. Endorsed copy of affidavit authority for delivery of property

9 * * *

10 C.(1) A multiple original of the affidavit, to which has been attached a
11 certified copy of the deceased's death certificate, shall be recorded in the conveyance
12 records in the office of the clerk of court in the parish where any immovable property
13 described therein is situated, after at least ninety days have elapsed from the date of
14 the deceased's death. For recordation purposes, a photocopy of the certified death
15 certificate may serve as, and take the place of, the certified copy of the death
16 certificate.

17 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 363

BY SENATOR FOIL

1 AN ACT

2 To amend and reenact R.S. 6:333(B) and to enact Code of Civil Procedure Art. 2336.1,
3 relative to the judicial sale of property; to provide for the determination of superior
4 encumbrances or privileges; to provide for issuance of a subpoena duces tecum upon
5 the owner or servicer of an obligation secured by a superior encumbrance; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Art. 2336.1 is hereby enacted to read as follows:

9 Art. 2336.1. Determination of superior encumbrances or privileges

10 A. To determine the amount due to the owner of any mortgage, security
11 interest, lien, privilege, or other encumbrance that is superior to that of the
12 seizing creditor, hereinafter "superior encumbrance", the sheriff or the seizing
13 creditor may cause a subpoena duces tecum to be issued by the clerk of court
14 to the owner or servicer of an obligation secured by a superior encumbrance,
15 requiring that the owner or servicer of any such obligation produce to the
16 sheriff or to the seizing creditor a document setting forth the amount due to the
17 owner of the obligations secured by the superior encumbrance, as of the
18 scheduled date of the sheriff's sale. The subpoena duces tecum shall be served
19 on the owner or servicer of the superior encumbrance at least fourteen calendar

1 days before the response is due, and shall be made returnable at least seven
2 calendar days prior to the scheduled date of the sheriff's sale, at the office of the
3 sheriff or at the office of the seizing creditor or its attorney. If the owner or
4 servicer of the superior encumbrance has a registered agent for service of
5 process in the state, service of process shall be made by one of the following
6 methods:

7 (1) The subpoena shall be served on the registered agent by the sheriff.

8 (2) If service is made through certified mail or overnight courier, the
9 envelope shall be directed to the attention of the registered agent.

10 B. The owner or servicer shall respond to the sheriff or the seizing
11 creditor, depending on who has caused the subpoena duces tecum to issue, at
12 least seven calendar days prior to the scheduled sheriff's sale. The response
13 shall include the total amount of all obligations secured by the superior
14 encumbrance, and shall itemize the amount due on each obligation by setting
15 out the principal, accrued interest, any negative or positive escrow, any other
16 charges or expenses of all obligations secured by the superior encumbrance, and
17 any attorney fees, court costs, and sheriff's costs that have been incurred in
18 connection with the enforcement of the superior encumbrance or the obligations
19 secured by the superior encumbrance. If a response is timely made, no personal
20 appearance shall be required in connection with the subpoena duces tecum.

21 C. The subpoena duces tecum may be served by the sheriff or by the
22 seizing creditor either in accordance with the procedure for subpoenas in
23 Chapter 1 of Title III of Book II of this Code, or by certified mail, return receipt
24 requested, or by commercial courier. The subpoena duces tecum may be served
25 within or outside of the state.

26 D. More than one subpoena duces tecum may be issued in connection
27 with a superior encumbrance.

28 E. If the date of the sheriff's sale is postponed, or stopped and thereafter
29 rescheduled, the seizing creditor may request that the owner or servicer of the
30 superior encumbrance update the amounts due. The request shall be made in

1 writing and served on the owner or servicer of the superior encumbrance either
 2 in the manner required for subpoenas, or by certified mail, return receipt
 3 requested, or by recognized overnight courier, at least fourteen days before the
 4 response is due. The response shall be due at least seven days prior to the sale
 5 date. If the owner or servicer of the superior encumbrance has a registered
 6 agent for service of process in the state, service of process shall be made by one
 7 of the following methods:

8 (1) The request shall be served on the registered agent by the sheriff.

9 (2) If service is made through certified mail or overnight courier, the
 10 envelope shall be directed to the attention of the registered agent.

11 F. Nothing in this article shall prohibit the owner or servicer of a
 12 superior encumbrance from voluntarily providing the requested information
 13 without the necessity of a subpoena duces tecum or written request, or from
 14 voluntarily waiving or accepting service of the subpoena duces tecum or written
 15 request.

16 G. The owner or servicer of the superior encumbrance may update or
 17 correct its latest response by providing to the sheriff or the seizing creditor,
 18 depending on at whose request the latest subpoena duces tecum or written
 19 request was issued, with an updated or corrected response, if the updated or
 20 corrected response is received at least twenty-four hours before the time
 21 scheduled for the sheriff's sale.

22 H. If the owner or servicer of the superior encumbrance is a bank as
 23 defined in R.S. 6:333(A)(2) or an affiliate as defined in R.S. 6:333(A)(1), then it
 24 will be entitled to charge a reasonable fee, not to exceed twenty-five dollars, for
 25 each time that information is requested or updates of information provided. The
 26 fee shall be payable only after the requested information has been provided to
 27 the person requesting the information, which fees shall be taxed as costs.

28 Section 2. R.S. 6:333(B) is hereby amended and reenacted to read as follows:

29 §333. Disclosure of financial records; reimbursement of costs

30 A. * * *

1 B. Notwithstanding any other provision of law to the contrary, except R.S.
2 9:151 et seq. and 3854(B)(2), R.S. 13:3921 et seq., Code of Civil Procedure ~~Article~~
3 Articles 2336, 2336.1, and 2411 et seq., R.S. 46:236.1.4, and R.S. 47:1676(D)(2)
4 and 1677, no bank or its affiliate shall disclose any financial records to any person
5 other than the customer to whom the financial records pertain, unless such financial
6 records are disclosed:

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 98

2022 Regular Session

HOUSE BILL NO. 36

BY REPRESENTATIVE MAGEE

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AN ACT

To amend and reenact Code of Civil Procedure Article 4843(D) and (F), relative to city court jurisdiction; to provide relative to the amount in dispute when the civil jurisdiction is concurrent with the district court; to provide for the jurisdictional amount in dispute for the City Court of Houma; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 4843(D) and (F) are hereby amended and reenacted to read as follows:

Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or political subdivision

* * *

D. In ~~the City Court of Houma~~ and the City Court of Lafayette, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed twenty thousand dollars.

* * *

F. In the City Court of Breaux Bridge, the City Court of Crowley, the City Court of Hammond, the City Court of Houma, the City Court of Jeanerette, the City Court of Jennings, the City Court of New Iberia, the City Court of Monroe, the City Court of Oakdale, the City Court of Rayne, and the City Court of Winnfield, the civil

1 jurisdiction is concurrent with the district court in cases where the amount in dispute,
2 or the value of the property involved, does not exceed thirty thousand dollars.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 284

BY SENATOR FOIL

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AN ACT

To amend and reenact Code of Civil Procedure Art. 2412(D), 2414, and 2415 and R.S. 13:3921(A) and 3923, relative to garnishments; to provide for notice of filing of garnishment petitions; to provide for service of garnishment judgments; to provide for garnishment of wages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 2412(D), 2414, and 2415 are hereby amended and reenacted to read as follows:

Art. 2412. Method of service; delay for answering

* * *

D. The garnishee shall file his sworn answers to the interrogatories within ~~fifteen~~ **thirty** days from the date of service made pursuant to this Article.

* * *

Art. 2414. Notice of answer; traversing

The clerk shall cause written notice of the filing of the garnishee's answer to be served promptly upon the seizing creditor in the manner provided by Article 1314.

Unless the creditor files a contradictory motion traversing the answer of the garnishee within ~~fifteen~~ **thirty** days after service upon him of the notice of the filing of the garnishee's answer, any property of the judgment debtor in the possession of the garnishee and any indebtedness to the judgment debtor which the garnishee has not admitted holding or owing shall be released from seizure. A new seizure may be made of such property or indebtedness by filing a supplemental petition and serving additional interrogatories.

Art. 2415. Delivery of property or payment of indebtedness to sheriff

When the garnishee admits in his answer, or when on trial of a contradictory

1 motion under ~~Article 2413~~ or Article 2414 it is found that he has in his possession
 2 property belonging to the judgment debtor or is indebted to him, the court shall order
 3 the garnishee to deliver the property immediately to the sheriff or to pay him the
 4 indebtedness when due. Delivery or payment to the sheriff discharges the garnishee's
 5 obligation to the judgment debtor to the extent of the delivery or payment.

6 This ~~article~~ **Article** does not apply to garnishment of wages, salaries, **tips**
 7 **reported to the employer,** or commissions.

8 Section 2. R.S. 13:3921(A) and 3923 are hereby amended and reenacted to read as
 9 follows:

10 §3921. Judgment fixing portion subject to seizure, payment to creditor and
 11 processing fee

12 A. In every case in which the wage, ~~or salary,~~ **tips reported to the**
 13 **employer, or other income** of a laborer, wage earner, artisan, mechanic, engineer,
 14 fireman, carpenter, bricklayer, secretary, bookkeeper, clerk, employee on a
 15 commission basis, or employee of any nature and kind whatever, whether skilled or
 16 unskilled, shall be garnished either under attachment or fieri facias or as otherwise
 17 provided by law, a judgment shall be rendered by the court of competent jurisdiction
 18 in which the garnishment proceedings may be pending fixing the portion of such
 19 wage, salary, commission, or other compensation as may be exempt, as provided by
 20 law, and providing for the payment to the sheriff, marshal, or constable for
 21 processing prior to payment to the seizing creditor of whatever sum for which
 22 judgment may be obtained, out of the portion of such compensation which is not
 23 exempt.

24 * * *

25 §3923. One writ and one set of interrogatories sufficient, statement of sums due to
 26 be furnished to garnishee; installment payments; reopening case;
 27 retention of jurisdiction; cessation of seizure by garnishment upon
 28 termination of employment

29 **A.** It shall not be necessary that more than one writ of garnishment or one set
 30 of interrogatories be served in ~~such cases~~ **a garnishment proceeding,** but the court

1 shall render judgment for the monthly, semimonthly, weekly, or daily payments to
 2 be made to the seizing creditor according to the manner best suited to the
 3 circumstances, until the indebtedness is paid. The garnisher shall serve upon the
 4 garnishee the citation, the petition, the garnishment interrogatories, the notice of
 5 seizure, and a statement of sums due under the garnishment, such statement to
 6 include, but not be limited to, the principal, interest, court costs incurred to date, and
 7 attorney's fee due under the judgment. The court, in its discretion, may reopen the
 8 case upon the motion of any party concerned for evidence affecting the proper
 9 continuance of ~~such~~ the garnishment judgment, and the court shall retain
 10 jurisdiction to amend or set aside its garnishment judgment at any time in its
 11 discretion; however, all effects of the seizure by garnishment shall cease upon the
 12 termination of employment of the debtor with the garnishee, unless the debtor is
 13 reinstated or reemployed within one hundred eighty days after the termination.
 14 Should judgment by default be taken against any party garnishee, he may obtain a
 15 reopening of the case upon proper showing and within the discretion of the court.

16 **B. Nothing in this Section is meant to affect judgments rendered**
 17 **pursuant to Code of Civil Procedure Article 2413.**

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 486

BY SENATOR MORRIS

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AN ACT

To amend and reenact Code of Civil Procedure Art. 253(B), relative to clerks of court; to provide relative to pleadings, documents, and exhibits filed with the clerk of court; to provide for electronic transmittal of filings; to provide certain procedures for electronic filing and storage of documents; to provide for the conversion of filings into electronic records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 253(B) is hereby amended and reenacted to read as follows:

Art. 253. Pleadings, documents, and exhibits to be filed with clerk

* * *

B. The filings as provided in Paragraph A of this Article and all other provisions of this Chapter may be transmitted electronically in accordance with a system established by a clerk of court or by Louisiana Clerks Remote Access Authority. When such a system is established, the clerk of court shall adopt and implement procedures for the electronic filing and storage of any pleading, document, or exhibit, **and the** official record shall be the electronic record. A pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to ~~written paper~~ filings. **The clerk of court may convert into an electronic record any pleading,**

1 document, or exhibit as set forth in R.S. 44:116. The originals of conveyances
2 shall be preserved by the clerk of court.

3 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 361

2022 Regular Session

HOUSE BILL NO. 28

BY REPRESENTATIVE MUSCARELLO

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4844, relative to the City Court of
3 Hammond; to provide for the jurisdictional amount in certain eviction proceedings;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 4844 is hereby amended and reenacted
7 to read as follows:

8 Art. 4844. Amount in dispute; eviction proceedings

9 A. Except as otherwise provided in this Article, a parish court or city court
10 shall have jurisdiction, concurrent with the district court, over suits by owners and
11 landlords for the possession of leased premises as follows:

12 (1) When the lease is by the day and the daily rental is one hundred fifty
13 dollars or less.

14 (2) When the lease is by the week and the weekly rental is five hundred
15 dollars or less.

16 (3) When the lease is by the month and the monthly rental is three thousand
17 dollars or less.

18 (4) When the lease is by the year and the annual rental is thirty-six thousand
19 dollars or less.

20 (5) When the suit is to evict an occupant as defined by Article 4704, if the
21 annual value of the right of occupancy does not exceed the amount in dispute to

1 which the jurisdiction of the court is limited by Articles 4842 and 4843 or as to the
2 amounts set forth in Subparagraphs (3) and (4) of this Paragraph.

3 ~~(6)~~ B. In the City Court of East St. Tammany, the city court shall have the
4 same jurisdictional limit for possession of leased premises in eviction proceedings
5 as provided for in Article 4912 for justice of the peace courts.

6 C. In the City Court of Hammond, the city court shall have jurisdiction over
7 suits by owners and landlords for the possession of leased premises when the lease
8 is by the month and the monthly rental is five thousand dollars or less.

9 ~~B. D.~~ In computing the jurisdictional amount for purposes of eviction suits,
10 the daily, weekly, monthly, annual, or other rental provided by the lease, exclusive
11 of interest, penalties, or attorney fees, shall determine the amount in dispute.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 372

2022 Regular Session

HOUSE BILL NO. 124

BY REPRESENTATIVE MUSCARELLO

1 AN ACT

2 To enact Code of Civil Procedure Article 195.1, relative to judicial proceedings conducted
3 by audio-visual means; to provide for hearings and exceptions; to provide for judge
4 trials; to provide for the discretion of the court; to provide for the consent of the
5 parties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 195.1 is hereby enacted to read as
8 follows:

9 Art. 195.1. Judicial proceedings by audio-visual means

10 A. A hearing on any motion or exception may be conducted by any audio-
11 visual means at the discretion of the court. If witness testimony is necessary, a party
12 may request that the hearing be conducted in person.

13 B. A judge trial may be conducted by any audio-visual means with the
14 consent of all parties and permission of the court.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 404

2022 Regular Session

HOUSE BILL NO. 1007

BY REPRESENTATIVE PHELPS

1 AN ACT

2 To amend and reenact R.S. 47:2121(C)(1) and (3) and to enact R.S. 47:2158.1 and 2231.1
3 and Code of Civil Procedure Article 4736, relative to tax sale property; to provide
4 relative to certain persons residing in tax sale property; to provide relative to the
5 rights of owners of tax sale property; to provide for the right of possession and
6 occupancy; to prohibit evictions of certain persons under certain circumstances; to
7 prohibit the taking of possession of tax sale property under certain circumstances;
8 to prohibit the charging of rental or lease payments under certain circumstances; to
9 prohibit certain actions on tax sale property under certain circumstances; to provide
10 for exceptions; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 47:2121(C)(1) and (3) are hereby amended and reenacted and R.S.
13 47:2158.1 and 2231.1 are hereby enacted to read as follows:

14 §2121. Purpose; principles; property rights

15 * * *

16 C. Tax sale title. (1) A tax sale confers on the tax sale purchaser, or on the
17 political subdivision to which the tax sale property is adjudicated, only tax sale title.
18 Tax sale title does not confer on the tax sale purchaser the right of possession of tax
19 sale property that is occupied by the owner and does not confer on the tax sale
20 purchaser the right to make improvements or charge rental or lease payments to the
21 owner or occupants of the tax sale property. If the tax sale property is not redeemed
22 within the redemptive period, then at the termination of the redemptive period, tax

1 sale title transfers to its holder ownership of the tax sale property, free of the
2 ownership and other interests, claims, or encumbrances held by all duly notified
3 persons. Tax sale title is fully transferable and heritable, but any successor of a tax
4 sale title takes it subject to any existing right to redeem the property, or to assert a
5 nullity, to the extent and for the period of time that the right would have existed in
6 the absence of the transfer or succession.

7 * * *

8 (3)(a) Notwithstanding any provision in this Chapter to the contrary, the
9 following interests affecting immovable property shall not be terminated pursuant
10 to this Chapter to the extent the interests remain effective against third parties and
11 are filed with the appropriate recorder prior to the filing of the tax sale certificate:

12 ~~(a)~~ (i) Mineral rights.

13 ~~(b)~~ (ii) Pipeline servitudes.

14 ~~(c)~~ (iii) Predial servitudes.

15 ~~(d)~~ (iv) Building restrictions.

16 ~~(e)~~ (v) Dedications in favor of political subdivisions, the public, or public
17 utilities.

18 (b) Notwithstanding any provision in this Chapter to the contrary, the right
19 of possession and occupancy of the owner of tax sale property shall not be
20 terminated pursuant to this Chapter.

21 * * *

22 §2158.1. Prohibition of certain actions; exceptions

23 A. A tax debtor who is the owner of and who is residing in the tax sale
24 property shall not be subject to any eviction proceeding or to a writ of possession
25 pursuant to R.S. 47:2158 during the redemptive period.

26 B. The acquiring person shall not be entitled to or charge any rental or lease
27 payments to the owner or occupants and shall not place any constructions on or make
28 any improvements to the tax sale property during the redemptive period. An
29 acquiring person who violates the provisions of this Section shall be subject to a
30 penalty of five percent of the price paid by the acquiring person for tax title and five

1 percent of any amounts paid by the tax debtor who is the owner of and who is
2 residing in the tax sale property for rental or lease payments. The penalty shall
3 accrue from the time the acquiring person took possession of the property until the
4 time the property is redeemed. Furthermore, nothing in this Section shall be
5 construed to limit the rights of a tax debtor who is the owner of and who is residing
6 in the tax sale property to recover rental or lease payments paid to an acquiring
7 person in violation of the provisions of this Section.

8 C. The provisions of this Section shall not limit the rights of a person who
9 acquires the property at a judicial sale conducted pursuant to a writ of fieri facias,
10 writ of seizure and sale, or other court order, or to a successor in interest to such a
11 person.

12 * * *

13 §2231.1. Prohibition of certain actions; exceptions

14 A. A tax debtor who is the owner of and who is residing in the tax sale
15 property adjudicated to a political subdivision shall not be subject to any eviction
16 proceeding or to a suit to obtain possession pursuant to R.S. 47:2231 during the
17 redemptive period.

18 B. The acquiring person shall not be entitled to or charge any rental or lease
19 payments to the owner or occupants and shall not place any constructions on or make
20 any improvements to the tax sale property during the redemptive period. An
21 acquiring person who violates the provisions of this Section shall be subject to a
22 penalty of five percent of the price paid by the acquiring person for tax title and five
23 percent of any amounts paid by the tax debtor who is the owner of and who is
24 residing in the tax sale property for rental or lease payments. The penalty shall
25 accrue from the time the acquiring person took possession of the property until the
26 time the property is redeemed. Furthermore, nothing in this Section shall be
27 construed to limit the rights of a tax debtor who is the owner of and who is residing
28 in the tax sale property to recover rental or lease payments paid to an acquiring
29 person in violation of the provisions of this Section.

1 C. The provisions of this Section shall not limit the rights of a person who
 2 acquires the property at a judicial sale conducted pursuant to a writ of fieri facias,
 3 writ of seizure and sale, or other court order, or to a successor in interest to such a
 4 person.

5 Section 2. Code of Civil Procedure Article 4736 is hereby enacted to read as follows:

6 Art. 4736. Prohibition of eviction from tax sale property

7 The procedures for eviction as provided by this Title shall be subject to the
 8 prohibitions and exceptions as provided by R.S. 47:2158.1 and 2231.1.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 442

2022 Regular Session

HOUSE BILL NO. 160

BY REPRESENTATIVES LANDRY, AMEDEE, FONTENOT, MAGEE, ORGERON,
AND ZERINGUE

1 AN ACT

2 To enact Code of Civil Procedure Article 4731(C), relative to leases; to provide relative to
3 federally declared national disasters; to provide relative to abandonment; to provide
4 for repossession of the premises; to provide for an exception; to provide for
5 damages; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 4731(C) is hereby enacted to read as
8 follows:

9 Art. 4731. Rule to show cause why possession should not be delivered;
10 abandonment of premises; federally declared disasters

11 * * *

12 C.(1) In parishes subject to a federal disaster declaration, cessation of
13 residential occupancy shall not be deemed evidence of abandonment pursuant to
14 Paragraph B of this Article for thirty days following the initial declaration of a
15 federally declared disaster.

16 (2) Failure of the lessor to comply with this Article shall give a residential
17 lessee the right to recover five hundred dollars or twice the amount of the monthly
18 rent, whichever is greater, from the lessor or owner, or from the lessor's successor
19 in interest. A residential lessee may obtain a restraining order or a preliminary
20 injunction to enforce the provisions of this Article.

1 (3) The court may award costs and attorney fees to the prevailing party for
2 actions brought pursuant to this Article.

3 (4) In parishes subject to a federally declared disaster, a court shall not
4 require a residential lessee bringing an action for a temporary restraining order or
5 preliminary injunction under this Article to furnish security, as required by Code of
6 Civil Procedure Article 3610 for the thirty days following the initial declaration of
7 a federally declared disaster.

8 (5) Nothing in Paragraph C of this Article shall preempt the rights afforded
9 to a lessor in Civil Code Article 2693.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 455

2022 Regular Session
HOUSE BILL NO. 264

BY REPRESENTATIVE SEABAUGH

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1201(C), relative to service of
3 citation; to provide for the serving of the original petition with the supplemental or
4 amended petition to additional defendants; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1201(C) is hereby amended and
7 reenacted to read as follows:

8 Art. 1201. Citation; waiver; delay for service

9 * * *

10 C. Service of the citation shall be requested on all named defendants within
11 ninety days of commencement of the action. When a supplemental or amended
12 petition is filed naming any additional defendant, service of citation shall be
13 requested within ninety days of its filing, and the additional defendant shall be served
14 with the original petition and the supplemental or amended petition. The defendant
15 may expressly waive the requirements of this Paragraph by any written waiver. The
16 requirement provided by this Paragraph shall be expressly waived by a defendant
17 unless the defendant files, in accordance with the provisions of Article 928, a
18 declinatory exception of insufficiency of service of process specifically alleging the
19 failure to timely request service of citation.

20 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 469

2022 Regular Session

HOUSE BILL NO. 389

BY REPRESENTATIVE PRESSLY

1 AN ACT

2 To amend and reenact Civil Code Articles 3461 and 3472.1, to enact Code of Civil
3 Procedure Article 196.2, and to repeal Code of Civil Procedure Article 562, relative
4 to prescription and peremption; to provide for emergency suspension of certain
5 prescription and peremption periods; to provide for the emergency suspension of
6 abandonment periods; to provide relative to the Louisiana Supreme Court; to provide
7 for emergency extension of certain deadlines; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Civil Code Articles 3461 and 3472.1 are hereby amended and reenacted
10 to read as follows:

11 Art. 3461. Renunciation, interruption, or suspension ineffective

12 ~~Peremption~~ Except as otherwise provided by law, peremption may not be
13 renounced, interrupted, or suspended.

14 * * *

15 Art. 3472.1. Emergency suspension of prescription and peremption

16 ~~A.~~ Notwithstanding any other provisions provision of the law or any
17 provision of an executive order or proclamation, in the event the governor, in
18 response to declares a state of emergency or disaster, issues an executive order or
19 proclamation pursuant to R.S. 29:721 through 772, ~~the Supreme Court of Louisiana~~
20 ~~may enter an order or series of orders as deemed necessary and appropriate to~~
21 ~~suspend all prescriptive and preemptive periods for a period of time not to exceed~~
22 ~~ninety days. Thereafter, should the need for continuing suspension be necessary to~~

1 ~~preserve access to the courts, the governor may issue executive orders as deemed~~
 2 ~~appropriate. The period of suspension authorized by the provisions of this Article~~
 3 ~~shall terminate upon the earlier of an order of the Supreme Court of Louisiana or~~
 4 ~~upon termination of the declared state of disaster or emergency. Nothing in this~~
 5 ~~Article limits the authority of the governor or the legislature to act in accordance~~
 6 ~~with its authority 775 that purports to suspend or extend liberative prescriptive or~~
 7 ~~peremptive periods in all or part of the state, the executive order or proclamation~~
 8 ~~shall have the effect of suspending only those liberative prescriptive or peremptive~~
 9 ~~periods that would have otherwise accrued during the period of time specified in the~~
 10 ~~order or proclamation or, if no period of time is specified, during the duration of the~~
 11 ~~effectiveness of the executive order or proclamation. Upon the termination of the~~
 12 ~~period of suspension, liberative prescription or peremption commences to run again~~
 13 ~~and accrues upon the earlier of thirty days after the expiration of the period of~~
 14 ~~suspension or in accordance with the period of time as calculated pursuant to Article~~
 15 ~~3472.~~

16 ~~B. The right to file any pleading subject to the suspension as provided by~~
 17 ~~Paragraph A of this Article shall terminate sixty days after the termination of the~~
 18 ~~suspension as provided by Paragraph A of this Article.~~

19 Section 2. Code of Civil Procedure Article 196.2 is hereby enacted to read as
 20 follows:

21 Art. 196.2. Power of Supreme Court to extend deadlines during emergencies

22 In the event that the governor declares a state of emergency or disaster
 23 pursuant to R.S. 29:721 through 775, the Supreme Court of Louisiana, rather than
 24 the governor, may issue orders suspending or extending deadlines applicable to legal
 25 proceedings in courts, including periods of time applicable for abandonment of
 26 actions, in all or part of the state of Louisiana. A court order suspending or
 27 extending deadlines applicable to legal proceedings in courts shall have the effect of
 28 extending only those deadlines that would have otherwise accrued during the period
 29 of time specified in the order. After the period of suspension or extension has
 30 expired, a party shall have an amount of time as specified in the court order to file

1 any pleading affected by the suspension or extension. If no amount of time is
2 specified, a party shall have thirty days after the period of suspension or extension
3 has expired.

4 Section 3. Code of Civil Procedure Article 562 is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 214

BY SENATORS LUNEAU, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER,
CONNICK, FIELDS, HARRIS, LAMBERT, FRED MILLS, MORRIS,
POPE, SMITH AND TARVER

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AN ACT

To amend and reenact Code of Civil Procedure Art. 1435, relative to depositions and trial testimony of certain insurance claims adjusters; to require certain nonresident insurance claims adjusters to appear and offer testimony; to provide for venue; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 1435 is hereby amended and reenacted to read as follows:

Art. 1435. Deposition taken in another state, or in a territory, district, or foreign jurisdiction; **exceptions; nonresident insurance claims adjusters**

A. If the witness whose deposition is to be taken is found in another state, or in a territory, district, or foreign jurisdiction, the law of the place where the deposition is to be taken shall govern the compulsory process to require the appearance and testimony of witnesses, but otherwise the provisions of this Chapter or of R.S. 13:3823 shall be applicable to such a deposition.

B.(1) Notwithstanding any other provision of law to the contrary, an insurance claims adjuster who is not a resident of Louisiana but who has made a physical appearance in the state in order to adjust an insurance claim which is the subject of a civil suit shall be required to appear in person in the parish or venue in which the civil suit is pending and to testify at the trial on the merits.

1 **(2) A nonresident insurance claims adjuster subject to the provisions of**
2 **Subparagraph (1) of this Paragraph shall be available for deposition via**
3 **telephone or video teleconference. A deposition taken via telephone or video**
4 **teleconference shall not be admissible as testimony at trial other than for the**
5 **purpose of impeachment, or upon the showing of death or incapacity of the**
6 **deponent.**

7 **(3) For purposes of this Article, "insurance claims adjuster" shall have**
8 **the same meaning as "adjuster" as defined in R.S. 22:1661.**

9 **C. Paragraph B of this Article shall not apply to any insurance claim**
10 **adjuster for an insurer domiciled in Louisiana.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 636

2022 Regular Session

HOUSE BILL NO. 905

BY REPRESENTATIVE GREGORY MILLER

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4614, relative to partition of co-
3 owned property; to provide relative to purchase by a co-owner; to provide for credit
4 for property interest in property; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 4614 is hereby amended and reenacted
7 to read as follows:

8 Art. 4614. Purchase by co-owner of property or interest sold

9 A. Any property or interest ~~therein~~ in the property sold to effect a partition,
10 whether by licitation or by private sale, may be purchased by a co-owner.

11 B. If a property or interest in the property is purchased by a co-owner, the
12 co-owner shall be credited for his share of the property or interest in the property.
13 The co-owner shall have his share deducted from the purchase price of the property
14 or interest in the property prior to payment.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____