

2019 Regular Session

HOUSE BILL NO. 221

BY REPRESENTATIVE STEFANSKI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/MAYORS: Expands the jurisdiction of mayor's courts to include the collection of municipal utility debts

1 AN ACT

2 To enact R.S. 33:441(A)(5), relative to mayor's courts; to provide relative to the jurisdiction
3 of mayor's courts; to provide relative to the collection of municipal utility debts; to
4 provide relative to court costs; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:441(A)(5) is hereby enacted to read as follows:

7 §441. Mayor's court

8 A.

9 * * *

10 (5)(a) Notwithstanding any other provision of law to the contrary, a mayor's
11 court shall have concurrent jurisdiction with the district court of civil suits to collect
12 utility debts within the municipality, where the good faith amount in dispute does
13 not exceed five thousand dollars, exclusive of penalties, interest, court costs, attorney
14 fees and penalties, whether provided by agreement or by law. The jurisdiction
15 granted by this Paragraph shall be limited to suits to collect utility debts owed to the
16 municipality or to a utility system owned or operated by the municipality.

17 (b) If the demand asserted in a good faith original, amended or supplemental
18 pleading, cross claim, or in any good faith incidental demand or any other pleading,
19 exceeds the jurisdiction of the court, the court shall transfer the action to a court of
20 proper jurisdiction.

- 1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.
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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)]

HB 221 Reengrossed

2019 Regular Session

Stefanski

Abstract: Expands the jurisdiction of mayor's courts to include the collection of certain utility debts.

Proposed law expands the current jurisdiction of mayor's courts to allow for the collection of municipal utility debts. This jurisdiction shall be concurrent with the district courts where the amount in question does not exceed \$5,000. If the amount in question exceeds the jurisdictional limits of the mayor's court, the action shall be transferred to a court of proper jurisdiction. Additionally, the court shall appoint a lawyer to serve as a court magistrate to hear all civil utility debt suits. This magistrate will have the ability to impose court costs against the debtor not to exceed \$35.

Proposed law provides that any person against whom a judgment is rendered in a mayor's court shall have the right of direct appeal to the district court for the parish in which the mayor's court is situated which shall be tried de novo. Proposed law requires the appeal to be filed within ten days of the date of the judgment and authorizes the district court to assess costs as authorized by law to the party against whom judgment is rendered.

Proposed law provides that there shall be no prepayment of court costs once the appellant has been determined to be indigent. The judge shall inform the appellant of his right to appeal.

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

(Adds R.S. 33:441(A)(5))

Summary of Amendments Adopted by HouseThe House Floor Amendments to the engrossed bill:

1. Allow the appellant to appeal at no prepayment of court cost once the appellant has been determined to be indigent.
2. Require the judge to inform the appellant of his rights.