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**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 130 by Senator Morrell

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1 AMENDMENT NO. 1

2 On page 1, line 2, change "13-D" to "13-B"

3 AMENDMENT NO. 2

4 On page 1, line 3, change "1449" to "1448"

5 AMENDMENT NO. 3

6 On page 2, line 1, change "1449" to "1448"

7 AMENDMENT NO. 4

8 On page 3, delete lines 3 through 5 in their entirety and insert the following:

9 "(7) "Obligor" means a resident of this state required to pay child  
 10 support in accordance with an order of support issued by a court or other  
 11 tribunal."

12 AMENDMENT NO. 5

13 On page 3, line 13, delete "**a fee or**" and at the beginning of line 14, delete "**other**"

14 AMENDMENT NO. 6

15 On page 3, delete lines 21 through 23 in their entirety and insert the following:

16 "he is not employed by a private child support collection agency or does not  
 17 derive a substantial portion of business from the"

18 AMENDMENT NO. 7

19 On page 3, at the end of line 24, change "**Subitem**" to "**Section**"

20 AMENDMENT NO. 8

21 On page 3, line 27, delete "**for other individuals**"

22 AMENDMENT NO. 9

23 On page 4, line 3, change "**under the**" to "**in accordance with**"

24 AMENDMENT NO. 10

25 On page 4, line 4, change "**order of a court**" to "**a court order**"

26 AMENDMENT NO. 11

27 On page 4, line 6, change "**Department of Social Services**" to "**department**"

1 AMENDMENT NO. 12

2 On page 4, line 14, delete "to whom" and at the beginning of line 15, delete "the payment  
3 is owed"

4 AMENDMENT NO. 13

5 On page 4, line 17, change "intending to provide" to "providing"

6 AMENDMENT NO. 14

7 On page 4, line 18, change "collect" to "collecting"

8 AMENDMENT NO. 15

9 On page 4, line 19, after "shall" insert "comply with the following"

10 AMENDMENT NO. 16

11 On page 4, line 21, change "requested by the secretary of state, including but not limited  
12 to" to "requested, including"

13 AMENDMENT NO. 17

14 On page 4, line 22, after "agency" insert a comma "," and delete "and" and at the end of the  
15 line, delete "for such entity"

16 AMENDMENT NO. 18

17 On page 4, at the end of line 23, insert a period "." and delete line 24 in its entirety

18 AMENDMENT NO. 19

19 On page 4, line 25, after "(2)" delete the remainder of the line and insert "Submit to the  
20 state treasurer not later than 4:30 p.m. on the fifth business day after registering with  
21 the secretary of state all of the following:"

22 AMENDMENT NO. 20

23 On page 5, line 13, after "form" insert a period "." and delete the remainder of the line

24 AMENDMENT NO. 21

25 On page 5, delete line 14 and insert "The contract shall include all of the following:"

26 AMENDMENT NO. 22

27 On page 5, line 16, after "provided" insert a period "." and delete the remainder of the line

28 AMENDMENT NO. 23

29 On page 5, at the end of line 17, delete "by the" and at the beginning of line 18, delete  
30 "public child support collection agency"

31 AMENDMENT NO. 24

32 On page 5, line 19, after "collected" insert a period "." and delete the remainder of the line  
33 and delete line 20 in its entirety

1 AMENDMENT NO. 25

2 On page 5, line 22, change "could" to "may"

3 AMENDMENT NO. 26

4 On page 5, line 29, change "that a private child support" to "the"

5 AMENDMENT NO. 27

6 On page 6, delete line 1 and insert "to refund any improperly retained fee."

7 AMENDMENT NO. 28

8 On page 6, line 7, after "agency" insert a period "." and delete the remainder of the line and  
9 delete line 8 in its entirety

10 AMENDMENT NO. 29

11 On page 6, delete lines 16 through 18, and insert the following:

12 "(10) A statement that the obligee may continue to receive or pursue  
13 support enforcement services through the department and the collection agency  
14 may not prohibit this in any way."

15 AMENDMENT NO. 30

16 On page 6, line 26, delete "private child support"

17 AMENDMENT NO. 31

18 On page 7, line 3, after "collected" insert a period "." and delete the remainder of the line

19 AMENDMENT NO. 32

20 On page 7, delete lines 4 through 9 in their entirety

21 AMENDMENT NO. 33

22 On page 7, delete line 11 and insert "include any of the following:"

23 AMENDMENT NO. 34

24 On page 7, delete lines 12 through 20 and insert the following:

25 "(1) A requirement that the obligee waive the right to pursue any civil  
26 or criminal matter, agree to resolve disputes in a jurisdiction other than the  
27 obligee's, or agree to the application of laws other than those of the residence  
28 of the obligee. Any waiver, including an agreement to arbitrate or a choice of  
29 forum or law, required as a condition of doing business with the collection  
30 agency shall be presumed against public policy and unenforceable."

31 AMENDMENT NO. 35

32 On page 7, delete line 27 and insert "(3) A requirement that the obligee not pursue a  
33 child"

1 AMENDMENT NO. 36

2 On page 8, delete lines 2 through 7 and insert the following:

3 "(4) A requirement that the obligee waive his right to review and consent  
4 to any modification of the contract.

5 (5) A prohibition against termination of the contract for the collection  
6 of child support payments until the arrears are paid.

7 (6) A requirement that the obligee waive his right to accept a settlement  
8 offer."

9 AMENDMENT NO. 37

10 On page 8, line 11, after "D." and before "In" insert "The provisions of this Subsection  
11 shall be attached to the contract as an addendum, in at least ten-point font, and be  
12 signed and dated by the obligee."

13 AMENDMENT NO. 38

14 On page 8, line 12, delete "between a private child support collection agency and"

15 AMENDMENT NO. 39

16 On page 8, delete line 13 and insert "it shall be cancelled or terminated if any of the  
17 following:"

18 AMENDMENT NO. 40

19 On page 8, line 18, delete "private child support"

20 AMENDMENT NO. 41

21 On page 8, at the beginning of line 23, before "A" insert "A." and after "shall" and before  
22 the colon ":" insert "comply with all of the following"

23 AMENDMENT NO. 42

24 On page 8, delete lines 24 through 26 and insert the following:

25 "(1) Enter into a written contract with the obligee, as provided in R.S.  
26 51:1444, before providing support enforcement services."

27 AMENDMENT NO. 43

28 On page 8, line 29, delete "with him that the"

29 AMENDMENT NO. 44

30 On page 9, delete lines 1 and 2 and insert "that he is not obligated to hire a collection  
31 agency to collect child support."

32 AMENDMENT NO. 45

33 On page 9, line 4, delete "to the obligee"

34 AMENDMENT NO. 46

35 On page 9, at the end of line 5, delete "as child support or" and at the beginning of line 6,  
36 delete "arrearages"

1 AMENDMENT NO. 47

2 On page 9, line 7, delete "by the collection agency"

3 AMENDMENT NO. 48

4 On page 9, delete lines 9 through 21 and insert the following:

5 "(a) The name of the obligor and any other identifying information.

6 (b) The amount of support collected.

7 (c) The date each amount was received.

8 (d) The date each amount received was forwarded to the obligee.

9 (e) The amount of each payment forwarded to the obligee.

10 (f) The source of payment and the actions taken by the collection agency  
11 which resulted in the payment."

12 AMENDMENT NO. 49

13 On page 9, line 22, change "kept" to "retained" and delete "private"

14 AMENDMENT NO. 50

15 On page 9, at the beginning of line 23, delete "child support"

16 AMENDMENT NO. 51

17 On page 9, line 25, change the period "." to a comma "," and change "This" to "excluding"

18 AMENDMENT NO. 52

19 On page 9, line 26, delete "provision shall not apply to"

20 AMENDMENT NO. 53

21 On page 9, delete lines 28 and 29 and insert "(5) Forward"

22 AMENDMENT NO. 54

23 On page 10, line 3, delete the period "." and delete "The records required under this  
24 Section shall be maintained by the" and on line 4, delete "private child support collection  
25 agency"

26 AMENDMENT NO. 55

27 On page 10, delete lines 6 and 7, and insert "of the contract, the collection agency shall  
28 maintain all of the following:"

29 AMENDMENT NO. 56

30 On page 10, line 9, delete "private child support"

31 AMENDMENT NO. 57

32 On page 10, line 10, delete "private child support"

33 AMENDMENT NO. 58

34 On page 10, line 15, delete "private child support"

1 AMENDMENT NO. 59

2 On page 10, delete lines 18 through 20 and insert the following:

3 **"the disclosure of information pertaining to the obligee or obligor, including**  
4 **protections for records maintained"**

5 AMENDMENT NO. 60

6 On page 10, line 22, delete "**private child support**"

7 AMENDMENT NO. 61

8 On page 10, line 24, delete "**private child support**"

9 AMENDMENT NO. 62

10 On page 10, delete lines 25 and 26 and insert "**agency as provided in this Paragraph. The**  
11 **obligee shall be**"

12 AMENDMENT NO. 63

13 On page 10, line 28, delete "**private child support**"

14 AMENDMENT NO. 64

15 On page 11, line 1, delete "**private child support**"

16 AMENDMENT NO. 65

17 On page 11, line 2, delete "**private child support**"

18 AMENDMENT NO. 66

19 On page 11, at the beginning of line 11, change "**(11)**" to "**B.**"

20 AMENDMENT NO. 67

21 On page 11, delete lines 13 through 16 in their entirety and insert the following:

22 **"attorney contracting with an obligee to provide child support collection**  
23 **services for compensation shall comply with all provisions governing attorney**  
24 **conduct."**

25 AMENDMENT NO. 68

26 On page 11, at the beginning of line 19, insert "**A.**"

27 AMENDMENT NO. 69

28 On page 11, at the end of line 20, delete the colon ":" and insert "**obtain from the obligee**  
29 **all of the following:**" and delete line 21 in its entirety

30 AMENDMENT NO. 70

31 On page 11, at the beginning of line 22, change "**(a)**" to "**(1)**"

1 AMENDMENT NO. 71

2 On page 11, at the beginning of line 23, change "(b)" to "(2)"

3 AMENDMENT NO. 72

4 On page 11, at the beginning of line 25, change "(c)" to "(3)"

5 AMENDMENT NO. 73

6 On page 11, line 26, after "owed" insert a period "." and delete the remainder of the line and  
7 delete line 27 in its entirety

8 AMENDMENT NO. 74

9 On page 11, at the beginning of line 28, change "(d)" to "(4)"

10 AMENDMENT NO. 75

11 On page 12, delete lines 2 through 4, and insert the following:

12 **"B. In addition to Subsection A of this Section, before commencing**  
13 **support enforcement services, the collection agency shall send the obligor a**  
14 **written notice no later than five days after the obligee and collection agency sign**  
15 **a contract. The notice shall include all of the following:"**

16 AMENDMENT NO. 76

17 On page 12, at the beginning of line 5, change "(i)" to "(1)"

18 AMENDMENT NO. 77

19 On page 12, at the beginning of line 6, change "(ii)" to "(2)"

20 AMENDMENT NO. 78

21 On page 12, delete line 8 and insert "the current child support owed by the obligor."

22 AMENDMENT NO. 79

23 On page 12, at the beginning of line 9, change "(iii)" to "(3)"

24 AMENDMENT NO. 80

25 On page 12, line 11, delete "pursuant to this Paragraph"

26 AMENDMENT NO. 81

27 On page 12, delete lines 14 through 22 and insert the following:

28 **"(4) A statement that if the obligor provides written notice to the**  
29 **collection agency within the time period in Paragraph (3) of this Subsection,**  
30 **disputing the existence or amount of the child support obligation or arrears, the**  
31 **collection agency shall cease efforts to collect the support until it obtains and**  
32 **mails to the obligor written verification of the existence or amount of the**  
33 **obligation."**

1 AMENDMENT NO. 82

2 On page 12, at the beginning of line 23, change "v" to "5"

3 AMENDMENT NO. 83

4 On page 12, delete line 26 and insert "C. A statement in accordance with Subsection  
5 B(4)"

6 AMENDMENT NO. 84

7 On page 13, at the beginning of line 2, change "3" to "D"

8 AMENDMENT NO. 85

9 On page 13, line 3, delete "pursuant to Item (2)(a)(iii) of this Section"

10 AMENDMENT NO. 86

11 On page 13, delete lines 5 through 29 in their entirety and insert the following:

12 §1447. Prohibited acts

13 A. A private child support collection agency providing support  
14 enforcement services to an obligee in this state or collecting support or arrears  
15 from an obligor shall not engage in any act which violates any provision of the  
16 Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq., or the Federal Trade  
17 Commission Act, 15 U.S.C. 42 et seq.

18 §1448. Civil penalties

19 A. When a private child support collection agency is found by a court  
20 to have violated the provisions of R.S. 51:1443, the court shall award to the state  
21 a civil penalty not to exceed ten thousand dollars.

22 B. A collection agency found by a court to have violated any of the  
23 provisions of R.S. 51:1444 through 1447 shall be ordered to pay to the plaintiff  
24 a civil penalty not to exceed five thousand dollars per violation and reasonable  
25 attorney fees, expenses, and court costs.

26 C. The civil penalties provided in this Section shall be cumulative to  
27 each other and any other provision of law."

28 AMENDMENT NO. 87

29 Delete pages 14 through 19 in their entirety

30 AMENDMENT NO. 88

31 On page 20, delete lines 1 through 24 in their entirety