

2016 Regular Session

HOUSE BILL NO. 834

BY REPRESENTATIVES BERTHELOT AND GREGORY MILLER

1 AN ACT

2 To amend and reenact R.S. 13:4521(A)(1), (3), and (4) and (B) and to enact R.S.  
3 13:4521(D), relative to court costs owed by governmental entities; to provide for  
4 temporary deferral and payment of such costs and collection of unpaid costs; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:4521(A)(1), (3), and (4) and (B) are hereby amended and  
8 reenacted and R.S. 13:4521(D) is hereby enacted to read as follows:

9 §4521. State and its subdivisions; ~~boards, and commissions not required to pay~~  
10 temporary deferral of court costs; exceptions

11 A.(1) Except as provided in R.S. 13:5112, R.S. 19:15 and 116, and R.S.  
12 48:451.3, and as ~~hereinafter~~ provided in this Subsection, ~~neither~~ the state, ~~nor~~ any  
13 ~~parish, municipality, nor other~~ political subdivision as defined in this Section, ~~public~~  
14 ~~board, or commission, nor and~~ any agent, officer, or employee of any such  
15 governmental entity when acting within the scope and authority of such employment  
16 or when discharging his official duties ~~shall be required to pay~~ may temporarily defer  
17 court costs, including cost of filing a judgment dismissing claims against the state,  
18 political subdivision, or agent, officer, or employee thereof, in any judicial  
19 proceeding instituted or prosecuted by or against the state, ~~or any such parish,~~  
20 ~~municipality, or other~~ political subdivision, ~~board, or commission,~~ or agent, officer,  
21 or employee thereof in any court of this state or any municipality of this state,  
22 including particularly but not exclusively those courts in the parish of Orleans and  
23 the city of New Orleans. This Section shall also apply to the Louisiana Insurance  
24 Guaranty Association and the Louisiana Life and Health Insurance Guaranty  
25 Association in any judicial proceeding instituted by or against them. This Section

1 shall also apply to the policyholder or other insured of an insolvent insurer in any  
 2 judicial proceeding instituted by or against the Louisiana Insurance Guaranty  
 3 Association and the Louisiana Life and Health Insurance Guaranty Association. ~~This~~  
 4 ~~Section shall also apply to employees or agents of the state if they are named as~~  
 5 ~~defendants in a suit arising out of the course and scope of their employment or~~  
 6 ~~agency.~~ Costs which are temporarily deferred pursuant to this Section cannot be  
 7 shifted to opposing parties during the pendency of such deferment; however, when  
 8 a final judgment is rendered dismissing all claims against the state, a political  
 9 subdivision, or agent, officer, or employee thereof and when the judgment taxes  
 10 costs of the state, political subdivision, or agent, officer, or employee thereof against  
 11 the opposing party in accordance with the provisions of Code of Civil Procedure  
 12 Article 1920, the opposing party shall be condemned to pay the temporarily deferred  
 13 court costs.

\* \* \*

15 (3) This Section shall not apply to the Department of Children and Family  
 16 Services for any proceedings brought by the Department of Children and Family  
 17 Services or any district attorney, on behalf of the Department of Children and Family  
 18 Services, to establish filiation or enforce support, when such proceedings are subject  
 19 to a cooperative agreement between the agency and the clerk of court of the  
 20 appropriate jurisdiction. Any cooperative agreement entered into between the clerk  
 21 of court and the agency shall include reimbursement for sheriff's costs.

22 (4) The provisions of this Paragraph (3) ~~of this Subsection~~ shall not apply if  
 23 federal funds are not available to cover the cost of the agreement.

24 (4) Neither the Department of Children and Family Services nor any district  
 25 attorney's office shall be required to pay court costs in any child welfare proceeding  
 26 instituted by such department of district attorney's office.

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28 B. Except when the law imposes personal responsibility for costs on the  
 29 agent, officers, or employees, it shall be the responsibility duty of the exempted  
 30 governmental entities who temporarily defer costs as set forth above in this Section

