

2016 Regular Session

HOUSE BILL NO. 834

BY REPRESENTATIVE BERTHELOT

JUDGMENTS: Authorizes temporary deferral of court costs by certain governmental parties and agents and provides for the collection of such deferred costs

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:4521(A)(1) and (B) are hereby amended and reenacted and R.S.
8 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,~~

1 ~~municipality, or other~~ political subdivision, ~~board, or commission,~~ or agent, officer,
2 or employee thereof in any court of this state or any municipality of this state,
3 including particularly but not exclusively those courts in the parish of Orleans and
4 the city of New Orleans. This Section shall also apply to the Louisiana Insurance
5 Guaranty Association and the Louisiana Life and Health Insurance Guaranty
6 Association in any judicial proceeding instituted by or against them. This Section
7 shall also apply to the policyholder or other insured of an insolvent insurer in any
8 judicial proceeding instituted by or against the Louisiana Insurance Guaranty
9 Association and the Louisiana Life and Health Insurance Guaranty Association. ~~This~~
10 ~~Section shall also apply to employees or agents of the state if they are named as~~
11 ~~defendants in a suit arising out of the course and scope of their employment or~~
12 ~~agency.~~ Costs which are temporarily deferred pursuant to this Section cannot be
13 shifted to opposing parties during the pendency of such deferment; however, when
14 a final judgment is rendered dismissing all claims against the state, a political
15 subdivision, or agent, officer, or employee thereof, the opposing party shall be
16 condemned to pay the temporarily deferred court costs.

* * *

18 B. Except when the law imposes personal responsibility for costs on the
19 agent, officers, or employees, it shall be the responsibility duty of the exempted
20 governmental entities who temporarily defer costs as set forth above in this Section
21 to pay any deferred costs assessed against them or their agents, officers, or
22 employees within thirty days of the judgment becoming final or to assist in the
23 collection of court costs due by the opposing litigants by requesting the court ~~in~~
24 ~~question~~ to tax costs in accordance with the provisions of Article 1920 of the Code
25 of Civil Procedure by requesting that the court include the cost assessment in a
26 judgment dismissing a claim against the governmental entity or any agent, officer,
27 or employee thereof. ~~In this regard the entities are authorized to and~~ The state,

1 political subdivision, or agent, officer, or employee thereof shall withhold any court
2 costs due by the opposing litigants; from any settlement payment made to the ~~said~~
3 parties; and shall forward ~~said~~ such costs to the clerk of court.

4 * * *

5 D. If an opposing party condemned to pay temporarily deferred court costs
6 fails to pay the assessed costs within thirty days of the judgment becoming final, the
7 clerk of court may forward a certified copy of the recorded judgment to the office of
8 debt recovery for collection. The office of debt recovery may collect any
9 outstanding deferred court costs on behalf of the clerk of court.

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

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 834 Original 2016 Regular Session Berthelot

Abstract: Provides relative to the temporary deferral of court costs by state and local governments and their agents, officers, and employees.

Present law provides that the state, local governments, and their officers and employees are not required to pay court costs. Provides that costs that are "temporarily deferred" pursuant to present law shall not be shifted to opposing parties during the pendency of the deferral.

Proposed law provides explicitly that such governments and their officers and employees may temporarily defer court costs rather than providing that they are not required to pay them. Also provides that agents of state and local government entities, in addition to officers and employees, may temporarily defer court costs. Specifies that the cost of filing a judgment dismissing claims is included in costs that may be temporarily deferred.

Present law requires governmental entities and their officers and employees to assist in collecting court costs due by opposing litigants by requesting the court to tax costs in accordance with present law. Proposed law further requires those governmental agents, officers, and employees specifically request that the court include the cost assessment in a judgment dismissing the claim against the governmental entity.

Proposed law imposes a duty on the governmental entity to pay costs assessed against it or its agents, officers, or employees within 30 days of the judgment becoming final except when the law otherwise imposes personal responsibility for costs on the agent, officer, or employee.

Proposed law further provides that if an opposing party condemned to pay temporarily deferred court costs fails to pay within 30 days, the clerk of court may forward a certified copy of the recorded judgment to the office of debt recovery. Authorizes the office of debt recovery to collect outstanding deferred court costs on behalf of the clerk of court.

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

(Amends R.S. 13:4521(A)(1) and (B); Adds R.S. 13:4521(D))