ENROLLED

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

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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.
14	* * *
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 <u>this</u> 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.
27	* * *
28	B. Except when the law imposes personal responsibility for costs on the
29	agent, officers, or employees, It it shall be the responsibility duty of the exempted
30	governmental entities who temporarily defer costs as set forth above in this Section

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1	to pay any deferred costs assessed against them or their agents, officers, or
2	employees within thirty days of the judgment becoming final or to assist in the
3	collection of court costs due by the opposing litigants by requesting the court in
4	question to tax costs in accordance with the provisions of Article 1920 of the Code
5	of Civil Procedure by requesting that the court include the cost assessment in a
6	judgment dismissing a claim against the governmental entity or any agent, officer,
7	or employee thereof. In this regard the entities are authorized to and The state,
8	political subdivision, or agent, officer, or employee thereof shall withhold any court
9	costs due by the opposing litigants, from any settlement payment made to the said
10	parties, and shall forward said such costs to the clerk of court.
11	* * *
12	D. If an opposing party condemned to pay temporarily deferred court costs
13	fails to pay the assessed costs within thirty days of the judgment becoming final, the
14	clerk of court may forward a certified copy of the recorded judgment to the office of
15	debt recovery for collection. The office of debt recovery may collect any
16	outstanding deferred court costs on behalf of the clerk of court.
17	Section 2. This Act shall become effective upon signature by the governor or, if not
18	signed by the governor, upon expiration of the time for bills to become law without signature
19	by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
20	vetoed by the governor and subsequently approved by the legislature, this Act shall become
21	effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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