

2017 Regular Session

HOUSE BILL NO. 126

BY REPRESENTATIVE BACALA

1 AN ACT

2 To amend and reenact R.S. 13:2590(A)(introductory paragraph), (B), and (C) and 3921(A)
3 and to enact R.S. 13:2590(D), relative to collection of costs or fees; to provide
4 relative to processing fees prior to payment to a creditor; to provide relative to fees
5 collected by constables of justice of the peace courts; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:2590(A)(introductory paragraph), (B), and (C) and 3921(A) are
9 hereby amended and reenacted and R.S. 13:2590(D) is hereby enacted to read as follows:

10 §2590. Security for costs; advanced costs deposit

11 A. A justice of the peace may demand and receive up to the following
12 amounts ~~and no others for filings and services in all~~ civil matters:

13 * * *

14 B. The constable of a justice of the peace court shall be entitled to a fee of six
15 percent for collecting money for execution of a writ of fieri facias, without either
16 seizure or sale.

17 B C. Fifty percent of each fee and deposit collected pursuant to Subsection
18 A of this Section shall be retained by the justice of the peace for fees and operational
19 expenses of the office and court, and fifty percent of the fees and deposits shall be
20 used for fees and operational expenses of the ward constable's office.

21 D. Except when the plaintiff is relieved from the necessity of paying costs
22 or furnishing security therefor, under ~~Articles 5181 through 5188 of the Code of~~

1 Civil Procedure Articles 5181 through 5188 or ~~under~~ R.S. 13:4521, a justice of the
2 peace may demand that the plaintiff provide costs in advance.

3 * * *

4 §3921. Judgment fixing portion subject to seizure, payment to creditor and
5 processing fee

6 A. In every case in which the wage or salary of a laborer, wage earner,
7 artisan, mechanic, engineer, fireman, carpenter, bricklayer, secretary, bookkeeper,
8 clerk, employee on a commission basis, or employee of any nature and kind
9 whatever, whether skilled or unskilled, shall be garnished either under attachment
10 or fieri facias or as otherwise provided by law, a judgment shall be rendered by the
11 court of competent jurisdiction in which the garnishment proceedings may be
12 pending fixing the portion of such wage, salary, commission, or other compensation
13 as may be exempt, as provided by law, and providing for the payment to the sheriff,
14 marshal, or constable for processing prior to payment to the seizing creditor of
15 whatever sum for which judgment may be obtained, out of the portion of such
16 compensation which is not exempt.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____