

2019 Regular Session

HOUSE BILL NO. 221

BY REPRESENTATIVE STEFANSKI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/MAYORS: Expands the jurisdiction of mayor's courts to include the collection of municipal utility debts

1 AN ACT

2 To enact R.S. 33:441(A)(5), relative to mayor's courts; to provide relative to the jurisdiction
3 of mayor's courts; to provide relative to the collection of municipal utility debts; to
4 provide relative to court costs; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:441(A)(5) is hereby enacted to read as follows:

7 §441. Mayor's court

8 A.

9 * * *

10 (5)(a) Notwithstanding any other provision of law to the contrary, a mayor's
11 court shall have concurrent jurisdiction with the district court of civil suits to collect
12 utility debts within the municipality, where the good faith amount in dispute does
13 not exceed five thousand dollars, exclusive of penalties, interest, court costs, attorney
14 fees and penalties, whether provided by agreement or by law. The jurisdiction
15 granted by this Paragraph shall be limited to suits to collect utility debts owed to the
16 municipality or to a utility system owned or operated by the municipality.

17 (b) If the demand asserted in a good faith original, amended or supplemental
18 pleading, cross claim, or in any good faith incidental demand or any other pleading,
19 exceeds the jurisdiction of the court, the court shall transfer the action to a court of
20 proper jurisdiction.

1 (c) Upon request of the mayor, the board of alderman shall appoint one or
 2 more attorneys who shall be designated as a court magistrate to hear all civil utility
 3 debt suits authorized by this Paragraph. The board of alderman shall fix and pay the
 4 salary of each such magistrate.

5 (d) Upon adoption of ordinance by the municipality, and upon a finding by
 6 the court magistrate that a civil utility debt is owed and delinquent, the court
 7 magistrate is authorized to impose court costs against the debtor, not to exceed the
 8 sum of thirty-five dollars for each civil suit. Costs received pursuant to this
 9 Paragraph shall be deposited into the general fund of the municipality.

10 (e) Any person against whom a judgment is rendered in a mayor's court
 11 pursuant to this Paragraph shall have the right of direct appeal to the district court for
 12 the parish in which the mayor's court is situated which shall be tried de novo. The
 13 appeal must be filed within ten days of the date of the judgment and notice of the
 14 appeal must be given within the ten-day period to the magistrate who adjudicated the
 15 matter, the district court to which the matter is being appealed, and the municipality
 16 in whose favor judgment was rendered. The appeal from a decision of the district
 17 court shall be the same as provided by law for appeals of civil matters adjudicated
 18 by a district court. The district court may assess costs as authorized by law to the
 19 party against whom judgment is rendered.

20 (f) The law enforcement authority of the municipality in which the mayor's
 21 court is located is authorized to effectuate service of process within the parish of the
 22 court for any civil suit before the court pursuant to this Paragraph.

23 * * *

24 Section 2. This Act shall become effective upon signature by the governor or, if not
 25 signed by the governor, upon expiration of the time for bills to become law without signature
 26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 28 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 221 Engrossed

2019 Regular Session

Stefanski

Abstract: Expands the jurisdiction of mayor's courts to include the collection of certain utility debts.

Proposed law expands the current jurisdiction of mayor's courts to allow for the collection of municipal utility debts. This jurisdiction shall be concurrent with the district courts where the amount in question does not exceed \$5,000. If the amount in question exceeds the jurisdictional limits of the mayor's court, the action shall be transferred to a court of proper jurisdiction. Additionally, the court shall appoint a lawyer to serve as a court magistrate to hear all civil utility debt suits. This magistrate will have the ability to impose court costs against the debtor not to exceed \$35.

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

(Adds R.S. 33:441(A)(5))