

2020 Regular Session

HOUSE BILL NO. 220

BY REPRESENTATIVE MIKE JOHNSON

CONTRACTORS: Provides relative to the judicial enforcement of fines and penalties assessed by the state licensing board for contractors

1 AN ACT

2 To amend and reenact R.S. 37:2162(J), relative to civil proceedings initiated by the state
3 licensing board for contractors; to remove venue restrictions; to provide for
4 jurisdiction; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:2162(J) is hereby amended and reenacted to read as follows:

7 §2162. Violations; civil penalty; jurisdiction

8 * * *

9 J. Upon the expiration of the delays set forth in the Administrative Procedure
10 Act for an aggrieved party to appeal any fine or penalty assessed by the board, if an
11 appeal has not been so filed, the board may initiate civil proceedings against the
12 party seeking to obtain a judgment against that party in an amount equivalent to the
13 amount of the fine assessed, together with legal interest and all reasonable attorney
14 fees incurred by the board in bringing the action. The proceedings shall be
15 conducted on a summary basis, with the defendant being limited to the defense of
16 lack of notice as to the meeting of the board during which the fine was assessed.
17 ~~Venue for all~~ All proceedings brought pursuant to the provisions of this Subsection

1 shall lie in ~~the Nineteenth Judicial District Court for the parish of East Baton Rouge~~ any
2 court of competent jurisdiction in this state.

3 * * *

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 220 Engrossed

2020 Regular Session

Mike Johnson

Abstract: Provides that all civil proceedings initiated by the state licensing board for contractors, relative to a fine or penalty assessed by the board, shall lie in any court of competent jurisdiction in this state.

Present law allows the state licensing board for contractors (the board), to initiate a civil proceeding against a party for unpaid fines or penalties assessed by the board, after the time for appeal has expired and no appeal has been filed.

Proposed law retains present law.

Present law allows the board to seek a judgment equivalent to the amount of the fine assessed, together with legal interest and all reasonable attorney fees incurred by the board.

Proposed law retains present law.

Present law requires the proceedings to be conducted on a summary basis, with the defendant being limited to the defense of lack of notice as to the meeting of the board where the fine was assessed.

Proposed law retains present law.

Present law provides that all civil proceedings, initiated by the board, pursuant to present law shall lie in the Nineteenth Judicial District Court for the parish of East Baton Rouge.

Proposed law removes the requirement that these proceedings lie in the Nineteenth Judicial District Court for the parish of East Baton Rouge, and instead allows them to lie in any court of competent jurisdiction in this state.

(Amends R.S. 37:2162(J))