

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 284

2022 Regular Session

Foil

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CIVIL PROCEDURE. Provides relative to garnishments. (8/1/22)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Removes amendment to present law regarding judgment creditors sending judgment debtors written notice of the filing of a garnishment petition.
2. Makes technical changes.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 284 Reengrossed

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Present law requires the garnishee to file his sworn answers to the interrogatories within 15 days from the date service is made. Proposed law increases the time to answer from 15 days to 30 days from the date of service.

Present law requires the contradictory motion to be filed within 15 days after service of the notice of the filing of the garnishee's answer. Proposed law increases this filing period from 15 to 30 days.

Present law references a contradictory motion pursuant to C.C.P. Art. 2413 which allows the judgment creditor to proceed by contradictory motion against the garnishee for the amount of the unpaid judgment plus interest and costs if the garnishee fails to answer the petition within 15 days of being served. Proposed law deletes this reference.

Present law provides that present law does not apply to garnishment of wages, salaries, or commissions. Proposed law adds tips reported to the employer to the list of items to which present law does not apply.

Present law provides that judgment can be rendered against the garnishment of wages or salary. Proposed law retains present law and adds tips reported to the employer and other income to the types of garnishments that judgment can be rendered against.

Present law provides that the court may reopen a garnishment case upon motion of any party for evidence affecting the continuance of such judgment. Proposed law specifies that such judgment referred to is the garnishment judgment.

Proposed law provides that present law shall not affect garnishment judgments rendered pursuant to a writ of fieri facias.

Effective Aug. 1, 2022.

(Amends C.C.P. Arts. 2412(D), 2414, and 2415, and R.S. 13:3921(A) and 3923)

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