

2015 Regular Session

HOUSE BILL NO. 142

BY REPRESENTATIVE ALFRED WILLIAMS

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

CIVIL/PROCEDURE: Authorizes summary proceedings in small claims court

1 AN ACT

2 To amend and reenact R.S. 13:5202(B), relative to small claims divisions of city courts; to
3 authorize the use of summary proceedings; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 13:5202(B) is hereby amended and reenacted to read as follows:

6 §5202. Jurisdiction

7 * * *

8 B. A small claims division shall have authority to grant any appropriate
9 relief, including money damages and equitable relief. Injunctions and restraining
10 orders shall not issue from a small claims division, except to arrest the execution of
11 its own writ. Class actions, ~~summary proceedings~~, and executory proceedings shall
12 be prohibited. Summary proceedings are permitted in a small claims division.

13 * * *

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 142 Original

2015 Regular Session

Alfred Williams

Abstract: Authorizes the use of summary proceedings in small claims divisions of city courts.

Present law provides, within city courts, for small claims divisions which are not courts of record and which have a civil subject matter jurisdiction in cases where the amount in dispute does not exceed \$5,000.

Present law authorizes small claims divisions of city courts to grant any appropriate relief, including money damages and equitable relief, but prohibits the issuance of injunctions, restraining orders, class actions, summary proceedings, and executory proceedings.

Proposed law authorizes the use of summary proceedings in small claims divisions.

(Amends R.S. 13:5202(B))