

2016 Regular Session

HOUSE BILL NO. 1163 (Substitute for House Bill No. 720 by Representative Garofalo)

BY REPRESENTATIVE GAROFALO

CLERKS OF COURT: Provides relative to clerks of court as ex officio recorders

1 AN ACT

2 To amend and reenact R.S. 13:844(D)(2), relative to clerks of courts; to provide for
3 recordation requirements; to provide relative to noncompliance of recordation
4 requirements; to remove noncompliance fees; to impose certain restrictions; to
5 provide relative to the effect of recordation of certain instruments; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:844(D)(2) is hereby amended and reenacted to read as follows:

9 §844. Fees of ex officio recorders

10 * * *

11 D.

12 * * *

13 ~~(2) For any document not in compliance with Paragraph (1), there shall be~~
14 ~~an additional ten-dollar noncompliance fee per document.~~ Clerks of the district
15 courts as ex officio recorders shall not refuse to record an instrument because it does
16 not comply with Paragraph (1) of this Subsection. Noncompliance with the
17 provisions of Paragraph (1) of this Subsection shall not impair the validity of an
18 instrument or the effect given to its recordation.

19 * * *

20 Section 2. The provisions of this Act shall become effective on October 1, 2016.

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 1163 Engrossed

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Garofalo

Abstract: Prohibits clerks of district courts from refusing to record instruments for noncompliance with recordation requirements and deletes the \$10 noncompliance fee.

Present law provides that every document filed for recordation shall be captioned with the type of the act, a two-inch margin on the top, and a one-inch margin at the bottom and sides on the first page, with no less than an 8-point font.

Present law provides that any document in noncompliance with present law shall be charged a \$10 noncompliance fee per document.

Proposed law deletes the present law noncompliance fee and prohibits clerks of district court from refusing to record an instrument for noncompliance with the provisions of present law.

Proposed law further provides that documents in noncompliance with present law shall not invalidate the instrument or the effect given to its recordation.

Effective October 1, 2016.

(Amends R.S. 13:844(D)(2))