

ACT No. 449

2016 Regular Session

HOUSE BILL NO. 834

BY REPRESENTATIVES BERTHELOT AND GREGORY MILLER

1 AN ACT

2 To amend and reenact R.S. 13:4521(A)(1), (3), and (4) and (B) and to enact R.S.
3 13:4521(D), relative to court costs owed by governmental entities; to provide for
4 temporary deferral and payment of such costs and collection of unpaid costs; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:4521(A)(1), (3), and (4) and (B) are hereby amended and
8 reenacted and R.S. 13:4521(D) is hereby enacted to read as follows:

9 §4521. State and its subdivisions; ~~boards, and commissions not required to pay~~
10 temporary deferral of court costs; exceptions

11 A.(1) Except as provided in R.S. 13:5112, R.S. 19:15 and 116, and R.S.
12 48:451.3, and as ~~hereinafter~~ provided in this Subsection, ~~neither~~ the state, ~~nor~~ any
13 ~~parish, municipality, nor other~~ political subdivision as defined in this Section, ~~public~~
14 ~~board, or commission, nor and~~ any agent, officer, or employee of any such
15 governmental entity when acting within the scope and authority of such employment
16 or when discharging his official duties ~~shall be required to pay~~ may temporarily defer
17 court costs, including cost of filing a judgment dismissing claims against the state,
18 political subdivision, or agent, officer, or employee thereof, in any judicial
19 proceeding instituted or prosecuted by or against the state, ~~or any such parish,~~
20 ~~municipality, or other~~ political subdivision, ~~board, or commission,~~ or agent, officer,
21 or employee thereof in any court of this state or any municipality of this state,
22 including particularly but not exclusively those courts in the parish of Orleans and
23 the city of New Orleans. This Section shall also apply to the Louisiana Insurance
24 Guaranty Association and the Louisiana Life and Health Insurance Guaranty
25 Association in any judicial proceeding instituted by or against them. This Section

1 shall also apply to the policyholder or other insured of an insolvent insurer in any
 2 judicial proceeding instituted by or against the Louisiana Insurance Guaranty
 3 Association and the Louisiana Life and Health Insurance Guaranty Association. ~~This~~
 4 ~~Section shall also apply to employees or agents of the state if they are named as~~
 5 ~~defendants in a suit arising out of the course and scope of their employment or~~
 6 ~~agency.~~ Costs which are temporarily deferred pursuant to this Section cannot be
 7 shifted to opposing parties during the pendency of such deferment; however, when
 8 a final judgment is rendered dismissing all claims against the state, a political
 9 subdivision, or agent, officer, or employee thereof and when the judgment taxes
 10 costs of the state, political subdivision, or agent, officer, or employee thereof against
 11 the opposing party in accordance with the provisions of Code of Civil Procedure
 12 Article 1920, the opposing party shall be condemned to pay the temporarily deferred
 13 court costs.

* * *

15 (3) This Section shall not apply to the Department of Children and Family
 16 Services for any proceedings brought by the Department of Children and Family
 17 Services or any district attorney, on behalf of the Department of Children and Family
 18 Services, to establish filiation or enforce support, when such proceedings are subject
 19 to a cooperative agreement between the agency and the clerk of court of the
 20 appropriate jurisdiction. Any cooperative agreement entered into between the clerk
 21 of court and the agency shall include reimbursement for sheriff's costs.

22 (4) The provisions of this Paragraph (3) ~~of this Subsection~~ shall not apply if
 23 federal funds are not available to cover the cost of the agreement.

24 (4) Neither the Department of Children and Family Services nor any district
 25 attorney's office shall be required to pay court costs in any child welfare proceeding
 26 instituted by such department of district attorney's office.

* * *

28 B. Except when the law imposes personal responsibility for costs on the
 29 agent, officers, or employees, it shall be the responsibility duty of the exempted
 30 governmental entities who temporarily defer costs as set forth above in this Section

1 to pay any deferred costs assessed against them or their agents, officers, or
 2 employees within thirty days of the judgment becoming final or to assist in the
 3 collection of court costs due by the opposing litigants by requesting the court ~~in~~
 4 ~~question~~ to tax costs in accordance with the provisions of Article 1920 of the Code
 5 of Civil Procedure by requesting that the court include the cost assessment in a
 6 judgment dismissing a claim against the governmental entity or any agent, officer,
 7 or employee thereof. ~~In this regard the entities are authorized to and~~ The state,
 8 political subdivision, or agent, officer, or employee thereof shall withhold any court
 9 costs due by the opposing litigants; from any settlement payment made to the ~~said~~
 10 parties; and shall forward ~~said~~ such costs to the clerk of court.

* * *

12 D. If an opposing party condemned to pay temporarily deferred court costs
 13 fails to pay the assessed costs within thirty days of the judgment becoming final, the
 14 clerk of court may forward a certified copy of the recorded judgment to the office of
 15 debt recovery for collection. The office of debt recovery may collect any
 16 outstanding deferred court costs on behalf of the clerk of court.

17 Section 2. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____