

RÉSUMÉ DIGEST

ACT 449 (HB 834)

2016 Regular Session

Berthelot

Prior law provided that the state, local governments, and their officers and employees were not required to pay court costs and if court costs were "temporarily deferred", then these costs were not to be shifted to opposing parties during the pendency of the deferral.

New law provides explicitly that such governments and their officers and employees may temporarily defer court costs. New law also provides that agents of state and local government entities, in addition to officers and employees, may temporarily defer court costs and specifies that the cost of filing a judgment dismissing claims is included in costs that may be temporarily deferred.

Existing law requires governmental entities and their officers and employees to assist in collecting court costs due by opposing litigants by requesting the court to tax costs in accordance with existing law. New law further requires those governmental agents, officers, and employees to specifically request that the court include the cost assessment in a judgment dismissing the claim against the governmental entity.

New law provides that when a final judgment is issued dismissing all claims against, and taxing costs to, the state, political subdivision, or agent, officer or employee, the opposing party shall pay the temporarily deferred court costs.

New law imposes a duty on the governmental entity to pay costs assessed against it or its agents, officers, or employees within 30 days of the judgment becoming final except when the law otherwise imposes personal responsibility for costs on the agent, officer, or employee.

New law further provides that if an opposing party condemned to pay temporarily deferred court costs fails to pay within 30 days, the clerk of court may forward a certified copy of the recorded judgment to the office of debt recovery. New law also authorizes the office of debt recovery to collect outstanding deferred court costs on behalf of the clerk of court.

Effective upon signature of governor (June 9, 2016).

(Amends R.S. 13:4521(A)(1), (3), and (4) and (B); Adds R.S. 13:4521(D))