

---

## 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 340 Original

2017 Regular Session

Jay Morris

**Abstract:** Specifies that attorney fees are available in suits on open accounts when the suit is filed against the debtor and the claimant is entitled to prevail on the merits of the suit.

Present law provides for the entitlement and recovery of attorney fees when an obligee makes demand upon an obligor and judgment on the claim is rendered in favor of the claimant.

Proposed law retains present law but clarifies that the entitlement to recovery of attorney fees attaches when suit is filed, not when judgment is rendered, and the claimant is entitled to prevail on the merits of the suit.

Present law provides that the debtor can avoid the payment of attorney fees by delivering payment to the claimant or the claimant's attorney within 10 days after service of the petition in city courts and 15 days after service of the petition in all other courts.

Proposed law retains present law but expands "city courts" to "courts of limited jurisdiction" and limits "all other courts" to "state and federal courts".

(Amends R.S. 9:2781(A) and (C))