ACT No. 210

HOUSE BILL NO. 221

BY REPRESENTATIVE STEFANSKI

| 1 | AN ACT |
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| 2 | To enact R.S. 33:441(A)(5), relative to mayor's courts; to provide relative to the jurisdiction |
| 3 | of mayor's courts; to provide relative to the collection of municipal utility debts; to |
| 4 | provide relative to court costs; to provide for exceptions; and to provide for related |
| 5 | matters. |
| 6 | Be it enacted by the Legislature of Louisiana: |
| 7 | Section 1. R.S. 33:441(A)(5) is hereby enacted to read as follows: |
| 8 | §441. Mayor's court |
| 9 | A. |
| 10 | * * * |
| 11 | (5)(a) Notwithstanding any other provision of law to the contrary, a mayor's |
| 12 | court shall have concurrent jurisdiction with the district court of civil suits to collect |
| 13 | utility debts within the municipality, where the good faith amount in dispute does |
| 14 | not exceed five thousand dollars, exclusive of penalties, interest, court costs, attorney |
| 15 | fees and penalties, whether provided by agreement or by law. The jurisdiction |
| 16 | granted by this Paragraph shall be limited to suits to collect utility debts owed to the |
| 17 | municipality or to a utility system owned or operated by the municipality. |
| 18 | (b) If the demand asserted in a good faith original, amended or supplemental |
| 19 | pleading, cross claim, or in any good faith incidental demand or any other pleading, |
| 20 | exceeds the jurisdiction of the court, the court shall transfer the action to a court of |
| 21 | proper jurisdiction. |
| 22 | (c) Upon request of the mayor, the board of alderman shall appoint one or |
| 23 | more attorneys who shall be designated as a court magistrate to hear all civil utility |

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debt suits authorized by this Paragraph. The board of alderman shall fix and pay the salary of each such magistrate.

(d) Upon adoption of ordinance by the municipality, and upon a finding by the court magistrate that a civil utility debt is owed and delinquent, the court magistrate is authorized to impose court costs against the debtor, not to exceed the sum of thirty-five dollars for each civil suit. Costs received pursuant to this Paragraph shall be deposited into the general fund of the municipality.

(e) Any person against whom a judgment is rendered in a mayor's court pursuant to this Paragraph shall have the right of direct appeal to the district court for the parish in which the mayor's court is situated which shall be tried de novo. The party against whom a judgment is rendered shall be given written notice of his right to appeal within the time specified in this Paragraph. The delay for appeal shall not run until the day after notice has been provided to the party. The appeal must be filed within ten days of the date of the judgment and notice of the appeal must be given within the ten-day period to the magistrate who adjudicated the matter, the district court to which the matter is being appealed, and the municipality in whose favor judgment was rendered. The appeal from a decision of the district court shall be the same as provided by law for appeals of civil matters adjudicated by a district court. The district court may assess costs as authorized by law to the party against whom judgment is rendered. There shall be no prepayment of court costs on behalf of the appellant. The judge shall inform the defendant of the right to appeal at no prepayment of costs after a determination that the appellant is indigent. The judge shall inform the appellant of his right to appeal as provided for in this Subparagraph.

(f) The law enforcement authority of the municipality in which the mayor's court is located is authorized to effectuate service of process within the parish of the court for any civil suit before the court pursuant to this Paragraph.

(g) The provisions of this Paragraph shall not apply in Jefferson Parish.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature

| 1 | by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If |
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| 2 | vetoed by the governor and subsequently approved by the legislature, this Act shall become |
| 3 | effective on the day following such approval. |
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| | SPEAKER OF THE HOUSE OF REPRESENTATIVES |
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| | PRESIDENT OF THE SENATE |
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| | GOVERNOR OF THE STATE OF LOUISIANA |
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ENROLLED

HB NO. 221

APPROVED: _____