

2020 Regular Session

HOUSE BILL NO. 499

BY REPRESENTATIVE SEABAUGH

SUCCESSIONS: Provides relative to the procedure for independent administration of successions

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 3396.1, relative to the issuance of
3 letters of independent administration or executorship; to authorize the clerk of court
4 to issue letters of independent administration or executorship; to provide an effective
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 3396.1 is hereby amended and reenacted
8 to read as follows:

9 Art. 3396.1. Scope

10 Upon qualification of a succession representative and compliance with the
11 provisions of this Chapter, the court clerk shall issue ~~Letters of Independent~~
12 ~~Administration or Letters of Independent Executorship~~ letters of independent
13 administration or letters of independent executorship, as appropriate, certifying that
14 the independent administrator has been duly qualified.

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

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 499 Original

2020 Regular Session

Seabaugh

Abstract: Authorizes the clerk of court to issue letters of independent administration or executorship.

Present law provides that upon qualification of a succession representative to serve as an independent administrator or executor, the court shall issue letters of independent administration or executorship certifying that the independent administrator has been duly qualified.

Proposed law requires the clerk of court, rather than the court, to issue letters of independent administration or executorship.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.C.P. Art. 3396.1)