

RÉSUMÉ DIGEST

ACT 265 (SB 284)

2022 Regular Session

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Prior law required the garnishee to file his sworn answers to the interrogatories within 15 days from the date service is made. New law increases the time to answer from 15 days to 30 days from the date of service.

Prior law required the contradictory motion to be filed within 15 days after service of the notice of the filing of the garnishee's answer. New law increases this filing period from 15 to 30 days.

Prior law referenced a contradictory motion pursuant to C.C.P. Art. 2413 which allows the judgment creditor to proceed by contradictory motion against the garnishee for the amount of the unpaid judgment plus interest and costs if the garnishee fails to answer the petition within 15 days of being served. New law deletes this reference.

Prior law provided that prior law does not apply to garnishment of wages, salaries, or commissions. New law retains prior law and adds tips reported to the employer to the list of items to which prior law does not apply.

Prior law provided that judgment can be rendered against the garnishment of wages or salary. New law retains prior law and adds tips reported to the employer and other income to the types of garnishments that judgment can be rendered against.

Prior law provided that the court could reopen a garnishment case upon motion of any party for evidence affecting the continuance of such judgment. New law retains prior law and specifies that such judgment referred to is the garnishment judgment.

New law provides that prior law shall not affect garnishment judgments rendered pursuant to a writ of fieri facias.

Effective August 1, 2022.

(Amends C.C.P. Arts. 2412(D), 2414, and 2415, and R.S. 13:3921(A) and 3923)