
DIGEST

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HB 447 Reengrossed

2023 Regular Session

Pierre

Abstract: Requires an agency referring delinquent debt to the office of debt recovery to provide specific information concerning the original obligation or offense and the fees, fines, penalties, or charges assessed to the original obligation or offense.

Present law establishes the office of debt recovery (office) within the Dept. of Revenue (DOR) for the purpose of collecting taxes payable to DOR and to collect certain delinquent debts on behalf of other state agencies. Present law requires agencies that do not have a collection contract with the attorney general's office for the collection of delinquent debts to refer all delinquent debts to the office.

Present law provides that once a debt becomes final, prior to referral to the office, the agency imposing the debt shall notify the debtor that failure to pay the debt within 60 days shall subject the debt to additional collection fees as provided in present law.

Present law authorizes the office to charge the debtor a fee not to exceed 25% of the total delinquent debt liability which becomes final.

Present law requires agencies referring delinquent debt to the office for collection to include data and information in the referral in a format necessary to institute collection procedures. Further requires delinquent debt to be authenticated by the agency or officer prior to being referred to the office.

Proposed law retains present law but requires that the agency referral, unless prohibited by federal or state law, shall include the following information related to the delinquent debt:

- (1) A description of the original obligation or offense and the amount of any fine, fee, penalty, or charge assessed against the original obligation or offense.
- (2) An itemization of each agency that has attempted to collect the delinquent debt and any additional fees, fines, penalties, or charges imposed by each agency against the delinquent debt.
- (3) An itemization of all of the payments made by the debtor on the delinquent debt together with an explanation of how the payments have been applied against the original obligation or offense and all of the fees, fines, penalties, or charges associated with collection of the delinquent debt.

(4) Any additional information requested by the office.

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

(Amends R.S. 47:1676(C)(2)(a))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Revise proposed law relative to providing of information with agency referrals of delinquent debt to stipulate that agencies shall provide such information unless otherwise prohibited by federal or state law.