

2015 Regular Session

HOUSE BILL NO. 142

BY REPRESENTATIVE ALFRED WILLIAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/PROCEDURE: Authorizes the use of certain summary proceedings in small claims court

1 AN ACT

2 To amend and reenact R.S. 13:5202(B) and 5203(A), relative to small claims divisions of
3 city courts; to authorize the use of certain summary proceedings; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:5202(B) and 5203(A) are hereby amended and reenacted to read
7 as follows:

8 §5202. Jurisdiction

9 * * *

10 B. A small claims division shall have authority to grant any appropriate
11 relief, including money damages and equitable relief. Injunctions and restraining
12 orders shall not issue from a small claims division, except to arrest the execution of
13 its own writ. Class actions, summary proceedings, and executory proceedings shall
14 be prohibited, except as provided by R.S. 13:5203.

15 * * *

16 §5203. Pleadings; citation; procedure; evidence; substantive law; depositions

17 A. The pleadings, citation, and procedure provided by Articles 965 through
18 968 and 4901 through 4904 of the Louisiana Code of Civil Procedure shall be
19 applicable to a small claims division created under authority of this Part. The
20 technical rules of evidence are relaxed, and all relevant evidence is admissible,

1 including hearsay, provided the judge satisfies himself of its general reliability; and
 2 further provided that the judgment is founded upon competent evidence.

3 * * *

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 142 Engrossed

2015 Regular Session

Alfred Williams

Abstract: Authorizes the use of proceedings for summary judgment and judgment on the pleadings in small claims divisions.

Present law provides, within city courts, for small claims divisions which are not courts of record and which have a civil subject matter jurisdiction in cases where the amount in dispute does not exceed \$5,000.

Present law authorizes small claims divisions of city courts to grant any appropriate relief, including money damages and equitable relief, but prohibits the issuance of injunctions, restraining orders, class actions, summary proceedings, and executory proceedings.

Proposed law authorizes the use of proceedings for summary judgment and judgment on the pleadings in small claims divisions.

(Amends R.S. 13:5202(B) and 5203(A))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Delete provisions authorizing the general use of summary proceedings.
2. Add provisions authorizing the use of proceedings for summary judgment and judgment on the pleadings.