

2016 Regular Session

HOUSE BILL NO. 368

BY REPRESENTATIVE BERTHELOT

CIVIL/ACTIONS: Provides relative to the timely processing of execution and recordation of rulings in certain cases

1 AN ACT

2 To enact R.S. 13:4521(D), relative to the payment of court costs by public entities exempt
3 from the payment of court costs; to provide for the filing and recording of certain
4 judgments; to provide relative to the dismissal of claims; to provide for the collection
5 of court costs; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:4521(D) is hereby enacted to read as follows:

8 §4521. State and its subdivisions, boards, and commissions not required to pay court
9 costs; exceptions

10 * * *

11 D. If, as a defendant in a civil suit in state district court, an exempted entity
12 set forth above is the prevailing party following a hearing on an exception filed
13 pursuant to Code of Civil Procedure Article 925, 926, or 927, or is the prevailing
14 party following a hearing on a motion for summary judgment filed pursuant to Code
15 of Civil Procedure Article 1637 or 1672, the result of which is dismissal of claims
16 against the exempted entity with all costs assessed to opposing litigants pursuant to
17 Code of Civil Procedure Article 1920, the clerk of court shall file the proposed
18 judgment evidencing the court's ruling immediately upon receipt of the judgment,
19 and shall timely process the execution and recordation of the judgment. In such

1 instance, the clerk of court shall not attempt to collect court costs from the exempted
2 entity.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 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 368 Original

2016 Regular Session

Berthelot

Abstract: Provides procedures for the filing and recordation of certain judgments dismissing all claims against governmental entities exempt from court costs, and prohibits the clerk of court from attempting to collect court costs from such entities.

Proposed law provides that if a governmental entity, exempt from the payment of court costs, is the prevailing party-defendant following a hearing on an exception or is the prevailing party following a hearing on a motion for summary judgment, the result of which is dismissal of all claims against the exempted governmental entity with all costs assessed to opposing litigants, the clerk of court shall file the proposed judgment evidencing the court's ruling immediately upon receipt of the judgment and shall timely process the execution and recordation of the judgment.

Proposed law prohibits the clerk of court from attempting to collect court costs from an exempted entity subject to the provisions of present law.

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

(Adds R.S. 13:4521(D))