

Regular Session, 2010

HOUSE BILL NO. 398

BY REPRESENTATIVE LANDRY

ATTORNEYS/FEES: Provides relative to the award of reasonable attorney fees in judgments on open accounts

1 AN ACT

2 To amend and reenact R.S. 9:2781(E), relative to suits on open accounts; to provide for the  
3 award of reasonable attorney fees in certain circumstances; to provide for definitions;  
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2781(E) is hereby amended and reenacted to read as follows:

7 §2781. Open accounts; attorney fees; professional fees; open account owed to the  
8 state

9 \* \* \*

10 E. As used in this Section; the following terms shall have the following  
11 meanings:

12 (1) ~~"person"~~ "Person" means natural and juridical persons.

13 (2) "Reasonable attorney fees" means attorney fees incurred before judgment  
14 and after judgment if the judgment creditor is required to enforce the judgment  
15 through a writ of fieri facias, writ of seizure and sale, judgment debtor examination,  
16 garnishment, or other post-judgment judicial process.

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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)]

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Landry

HB No. 398

**Abstract:** Provides that reasonable attorney fees incurred in the collection of an open account include attorney fees incurred in post-judgment judicial process efforts required to enforce the judgment.

Present law provides that when any person fails to pay an open account within 30 days after the claimant sends written demand, that person shall be liable to the claimant for reasonable attorney fees for the prosecution and collection of the claim.

Proposed law provides that "reasonable attorney fees" means attorney fees incurred before judgment and after judgment if the judgment creditor is required to enforce the judgment through a writ of fieri facias, writ of seizure and sale, judgment debtor examination, or other post-judgment judicial process.

(Amends R.S. 9:2781(E))