Regular Session, 2010

HOUSE BILL NO. 398

BY REPRESENTATIVE LANDRY

1	AN ACT
2	To amend and reenact R.S. 9:2781(E) and to enact R.S. 9:2781(F), relative to suits on open
3	accounts; to provide for the award of reasonable attorney fees in certain
4	circumstances; to provide for definitions; to provide procedures for obtaining a
5	judgment for attorney fees; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 9:2781(E) is hereby amended and reenacted and R.S. 9:2781(F) is
8	hereby enacted to read as follows:
9	§2781. Open accounts; attorney fees; professional fees; open account owed to the
10	state
11	* * *
12	E. As used in this Section, the following terms shall have the following
13	meanings:
14	(1) "person" "Person" means natural and juridical persons.
15	(2) "Reasonable attorney fees" means attorney fees incurred before judgment
16	and after judgment if the judgment creditor is required to enforce the judgment
17	through a writ of fieri facias, writ of seizure and sale, judgment debtor examination,
18	garnishment, or other post-judgment judicial process.
19	F. If the judgment creditor incurs attorney fees after judgment on the
20	principal demand associated with enforcement of the judgment, the judgment
21	creditor may obtain judgment for those attorney fees and additional court costs by
22	filing a rule to show cause along with an affidavit from counsel for the judgment
23	creditor setting forth the attorney fees incurred. If the judgment debtor does not file
24	with the court a memorandum in opposition at least eight days prior to the hearing

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	on the rule, the court may award the attorney fees and court costs as prayed for
2	without the necessity of an appearance in court by counsel for the judgment creditor.
3	The rule to show cause shall include notice to the judgment debtor of the
4	consequences under this Subsection of not timely filing a memorandum in
5	opposition. The amount of any post-judgment award of attorney fees and costs shall
6	be added to the total to be recovered on the principal demand through any existing
7	writ or garnishment proceedings.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

ENROLLED

HB NO. 398

APPROVED: _____