

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 93

BY REPRESENTATIVE BILLIOT

CIVIL/OBLIGATIONS: Requests the La. State Law Institute to study and make recommendations relative to suretyship

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to study creating procedures that
3 would enable a surety to take possession of collateral in certain circumstances and
4 to report its findings on or after January 1, 2014.

5 WHEREAS, many people obligate themselves as surety of debts for the purchase of
6 movables; and

7 WHEREAS, the purchased movables are the primary collateral of the debt incurred;
8 and

9 WHEREAS, if the principal obligor of the debt fails or refuses to make required
10 payments, the surety is then required to make the payments in order to prevent default on the
11 debt and seizure of the collateral; and

12 WHEREAS, while the surety is making payments on the debt, he frequently does not
13 have possession or control of the collateral; and

14 WHEREAS, the principal obligor who has failed or refused to make payments retains
15 possession and control of the movable and may cause damage to or destruction of the
16 movable; and

17 WHEREAS, it would be beneficial to the surety, in addition to his rights of
18 subrogation and reimbursement, if he were able to take possession of the movable in order
19 to protect his interest in the collateral before it is damaged or destroyed.

20 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
21 urge and request the Louisiana State Law Institute to study creating procedures that would

1 enable a surety to take possession of collateral in certain circumstances and to report its
2 findings and recommendations in the form of specific proposed legislation to the Legislature
3 of Louisiana on or before January 1, 2014.

4 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
5 to the director of the Louisiana State Law Institute.

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)]

Billiot

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