

SENATE RESOLUTION NO. 158

BY SENATOR APPEL

A RESOLUTION

To urge and request the Louisiana State Law Institute to study Louisiana's lien laws.

WHEREAS, a lien is a form of security interest granted over an item of property to secure the payment of a debt or performance of another obligation; and

WHEREAS, liens are used routinely by numerous business entities, including owners, contractors and sub-contractors, vendors, lenders and land title companies; and

WHEREAS, the proper recording, prioritizing and perfection of liens as well as the recording of other documents and their ranking in relation to each other is critical to the conducting of commerce and business activity and growth in this state; and

WHEREAS, Louisiana's lien law as a whole has not recently been comprehensively reviewed or updated; and

WHEREAS, Louisiana's law currently contains more than 600 references to liens, scattered across various sections of Louisiana's Civil Code, Code of Civil Procedure and Revised Statutes.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and review the placement and structure of Louisiana's lien law, including the documents that are required to be recorded, the types of liens currently provided for in Louisiana law, the placement of such provisions, and the manner in which Louisiana law currently requires that liens be recorded, perfected and prioritized, and further to develop recommendations to provide continuity within Louisiana's lien law and to simplify and better organize Louisiana's lien law to be consistent and understandable.

BE IT FURTHER RESOLVED that as part of its study the Louisiana State Law Institute shall compare proposed modifications to Louisiana's lien law to the lien laws of other states in an effort to ascertain the best possible expression of law as related to national trends and business practices.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall report its findings and recommendations to the Louisiana Legislature on or before February 1,

SR NO. 158

ENROLLED

2013.

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

PRESIDENT OF THE SENATE