

Regular Session, 2010

HOUSE BILL NO. 1218

BY REPRESENTATIVE GREENE

CLERKS OF COURT: Requires the clerks of court to remit unused funds or to demand payment for costs in civil matters within a certain period of time

1 AN ACT

2 To amend and reenact R.S. 13:843.1, 1405, 2561.12, 2562.12, and 2563.11 and to enact R.S.
3 13:1223, 1608, 1885(G), and 2154.3, relative to courts exercising civil jurisdiction;
4 to provide for obligations regarding court costs applicable to each clerk of a district
5 court, civil district court, parish court, city court, family court, and juvenile court; to
6 provide for a period of time in which these obligations shall be met; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:843.1, 1405, 2561.12, 2562.12, and 2563.11 are hereby amended
10 and reenacted and R.S. 13:1223, 1608, 1885(G), and 2154.3 are hereby enacted to read as
11 follows:

12 §843.1. Court costs; refund; statement of costs owing

13 Not later than ninety days after ~~receipt of written verification of final~~
14 termination of a civil suit, the clerk of each district court shall comply with either of
15 the following:

16 (1) Refund to the plaintiff or plaintiffs any unused balance remaining in the
17 clerk's advance deposit fund to the credit of the particular suit upon written request
18 of any party.

19 (2) Issue to the party primarily liable a demand for payment of any accrued
20 costs in excess of the advance deposit supported by an itemized account of these
21 accrued costs.

22 * * *

1 Section 2. The provisions of R.S. 13:1223 as enacted by this Act shall be null and
2 void on January 1, 2015.

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)]

Greene

HB No. 1218

Abstract: Requires each clerk of a district court, civil district court, parish court, city court, family court, and juvenile court to refund unused money or demand payment for costs within 90 days upon final termination of a civil suit.

Present law requires the clerk of each district court, no later than 90 days after receipt of written verification of final termination of a civil suit, to comply with either of the following:

- (1) Refund to the plaintiff or plaintiffs any unused balance remaining in the clerk's advance deposit fund to the credit of the particular suit.
- (2) Issue to the party primarily liable a demand for payment of any accrued costs in excess of the advance deposit supported by an itemized account of these accrued costs.

Proposed law makes present law provisions applicable to the clerk of a district court, civil district court, parish court, city court, family court, and juvenile court and requires the clerks to comply with these provisions within 90 days upon written request of any party.

Provides that proposed law provision applicable to the clerk of the Civil District Court for the parish of Orleans shall be null and void on Jan. 1, 2015.

(Amends R.S. 13:843.1, 1405, 2561.12, 2562.12, and 2563.11; Adds R.S. 13:1223, 1608, 1885(G), and 2154.3)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Changed the time limit from 30 to 90 days after termination of a law suit for the clerk of court to provide a refund for unused balances.
2. Deleted provisions requiring notice of written verification of final termination of a civil suit by an attorney to the clerk of court.
3. Required a written request by any party to the suit to the clerk of court to trigger the time limits within which the clerk of court is required to make the refund.