HLS 10RS-520 ENGROSSED

Regular Session, 2010

1

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

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
0	and reenacted and R.S. 13:1223, 1608, 1885(G), and 2154.3 are hereby enacted to read as
1	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.	* * *

Page 1 of 6

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

1	§1223. Court costs; refund; statement of costs owing
2	Not later than ninety days after termination of a civil suit, the clerk of the
3	civil district court shall comply with either of the following:
4	(1) Refund to the plaintiff or plaintiffs any unused balance remaining in the
5	clerk's advance deposit fund to the credit of the particular suit upon written request
6	of any party.
7	(2) Issue to the party primarily liable a demand for payment of any accrued
8	costs in excess of the advance deposit supported by an itemized account of these
9	accrued costs.
10	* * *
11	§1405. Clerk; court costs; refund; statement of costs owing
12	A. The clerk of the Nineteenth Judicial District Court shall be ex officio the
13	clerk of the family court.
14	B. Not later than ninety days after termination of a civil suit, the clerk of
15	court for the judicial district court shall comply with either of 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	* * *
23	§1608. Clerks; court costs; refund; statement of costs owing
24	Not later than ninety days after termination of a civil suit, each clerk of court
25	for a juvenile court shall comply with either of the following:
26	(1) Refund to the plaintiff or plaintiffs any unused balance remaining in the
27	clerk's advance deposit fund to the credit of the particular suit upon written request
28	of any party.

1	(2) Issue to the party primarily liable a demand for payment of any accrued
2	costs in excess of the advance deposit supported by an itemized account of these
3	accrued costs.
4	* * *
5	§1885. General powers and duties of clerk; court costs; refund
6	* * *
7	G. Not later than ninety days after termination of a civil suit, the clerk of
8	court for the city court shall comply with either of the following:
9	(1) Refund to the plaintiff or plaintiffs any unused balance remaining in the
10	clerk's advance deposit fund to the credit of the particular suit upon written request
11	of any party.
12	(2) Issue to the party primarily liable a demand for payment of any accrued
13	costs in excess of the advance deposit supported by an itemized account of these
14	accrued costs.
15	* * *
16	§2154.3. Court costs; refund; statement of costs owing
17	Not later than ninety days after termination of a civil suit, the clerk of court
18	for the First City Court for the city of New Orleans and the clerk of court for the
19	Second City Court for the city of New Orleans shall comply with either of the
20	following:
21	(1) Refund to the plaintiff or plaintiffs any unused balance remaining in the
22	clerk's advance deposit fund to the credit of the particular suit upon written request
23	of any party.
24	(2) Issue to the party primarily liable a demand for payment of any accrued
25	costs in excess of the advance deposit supported by an itemized account of these
26	accrued costs.
27	* * *

§2561.12. Clerk; seal; court costs; refund; statement of costs owing

A. The clerk of court for the parish of Jefferson shall be ex-officio ex officio clerk of court for this court. He, or any deputy appointed by him, may be assigned to act as minute clerk, and shall perform such other clerical duties as the judge shall direct. He shall be entitled to charge the fees as set forth in Section 1986 of Title 13, Louisiana Revised Statutes of 1950. He shall provide the court with a seal, which shall contain a vignette of the state seal, with the words, "Seal of the First Parish Court for the Parish of Jefferson", which shall be used on all orders, writs, and processes issuing from the court; However however, the absence of the seal shall not affect the validity of such documents.

- B. Not later than ninety days after termination of a civil suit, the clerk of court for the parish of Jefferson shall 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 upon written request of any party.
- (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.

19 * * *

§2562.12. Clerk; seal; court costs; refund; statement of costs owing

A. The clerk of court for the Parish of Jefferson shall be ex-officio ex officio clerk of court for this court. He, or any deputy appointed by him, may be assigned to act as minute clerk, and shall perform such other clerical duties as the judge shall direct. The clerk of court shall be entitled to fix his fees, but in no event shall those fees exceed the fees chargeable in the 24th Twenty-Fourth Judicial District Court. He shall provide the court with a seal, which shall contain a vignette of the state seal, with the words, "Seal of the Second Parish Court for the Parish of Jefferson", which shall be used on all orders, writs, and processes issuing from the court; However however, the absence of the seal shall not affect the validity of such documents.

HLS 10RS-520 **ENGROSSED** HB NO. 1218 B. Not later than ninety days after termination of a civil suit, the clerk of 2 court for the parish of Jefferson shall comply with either of the following: 3 (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 upon written request of any party.

> (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.

1

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

§2563.11. Clerk; seal; court costs; refund; statement of costs owing

A. The clerk of the district court for the parish of Ascension shall be ex officio clerk of court for this court. He, or any deputy appointed by him, may be assigned to act as minute clerk, and shall perform such other clerical duties as the judge shall direct. The clerk of court shall be entitled to fix his fees, but in no event shall those fees exceed the fees chargeable in the Twenty-Third Judicial District Court. He shall provide the court with a seal, which shall contain a vignette of the state seal, with the words, "Seal of the Parish Court for the Parish of Ascension", which shall be used on all orders, writs, and processes issuing from the court; However however, the absence of the seal shall not affect the validity of such documents.

- B. Not later than ninety days after termination of a civil suit, the clerk of court for the judicial district court shall 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 upon written request of any party.
- (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.

29

2

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

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.

<u>Present law</u> 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.

<u>Proposed law</u> makes <u>present law</u> 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 <u>proposed law</u> 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 <u>from</u> 30 <u>to</u> 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.