

Regular Session, 2012

HOUSE BILL NO. 405

BY REPRESENTATIVE DANAHAAY

JUDGMENTS: Provides for affidavits of distinction relative to judgments and judgment debtors

1 AN ACT

2 To enact Code of Civil Procedure Article 1922(C), relative to judgments; to provide for
3 required information in a judgment; to provide relative to affidavits of distinction of
4 judgments; to provide for recording fees; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1922(C) is hereby enacted to read as
7 follows:

8 Art. 1922. Money judgments; judgment debtor; date of birth; social security number

9 * * *

10 C.(1) The recorder shall not refuse to record a money judgment or lien which
11 does not include the information required by Paragraph B of this Article. If any
12 judgment or lien being recorded does not include the information required by this
13 Article, the recorder shall be entitled to collect a fee not to exceed twenty-five dollars
14 per debtor in addition to the applicable fee set forth in R.S. 13:841.

15 (2) The fee authorized by Subparagraph (1) of this Paragraph shall not apply
16 if, at the time of recording the judgment, the creditor attaches to and records with the
17 judgment an affidavit setting forth the information required by Paragraph B of this
18 Article or by Civil Code Article 3352(A)(5).

1 (3) A person recording an affidavit of distinction pursuant to R.S. 9:5501
2 through 5503 shall not be required to pay a fee for recording the affidavit of
3 distinction.

4 (4) The provisions of Subparagraph (3) of this Paragraph shall not apply to
5 an affidavit of distinction recorded in order to distinguish the affiant from a debtor
6 named in a judgment or lien which was recorded prior to July 1, 2012.

7 Section 2. This Act shall become effective on July 1, 2012; if vetoed by the
8 governor and subsequently approved by the legislature, this Act shall become effective on
9 July 1, 2012, or on the day following such approval by the legislature, whichever is later.

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)]

Danahay

HB No. 405

Abstract: Provides for a \$25 recording fee for judgment or liens which do not contain the required social security number for purposes of affidavits of distinction.

Present law provides for the required information of the judgment debtor to be included in money judgments, including the judgment debtor's date of birth and the last four digits of the judgment debtor's social security number.

Proposed law provides for a recording fee not to exceed \$25 for judgments or liens which do not contain the required social security number for purposes of affidavits of distinction.

Provides that the provisions of proposed law shall not apply to an affidavit of distinction recorded in order to distinguish the affiant from a debtor named in a judgment or lien which was recorded prior to July 1, 2012.

Effective July 1, 2012.

(Adds C.C.P. Art. 1922(C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Added amendment specifying that the recorder shall not refuse to accept judgments or liens lacking the last four digits of the debtor's social security number.
2. Added amendment specifying that the \$25 fee shall not apply if an affidavit containing the last four digits of the debtor's social security number is attached.