

SENATE BILL NO. 283

BY SENATOR MARTINY

1 AN ACT

2 To amend and reenact R.S. 33:1423.1(B), (C) and (D), relative to the collection and  
3 disposition of bonds, fines, fees, licenses, and taxes by sheriffs and ex officio tax  
4 collectors; to authorize sheriffs and ex officio tax collectors to contract with certain  
5 parties to aid in the collection of certain delinquent taxes and obligations; to provide  
6 for the payment for collection services on a fee basis; to limit the amount of the fee;  
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:1423.1(B), (C) and (D) are hereby amended and reenacted to read  
10 as follows:

11 §1423.1. Collection and disposition of bonds, fines, fees, licenses, taxes; acceptance  
12 of credit card or electronic check payment; expenses of collection  
13 borne pro rata by affected tax recipient bodies

14 \* \* \*

15 B. In addition to any other authority provided by law, sheriffs and ex officio  
16 tax collectors of the various parishes, including the chief administrative officer for  
17 the city of New Orleans may employ an agency or private counsel to assist in the  
18 collection of any due delinquent ad valorem taxes, any penalties or interest thereon,  
19 and any other payment which may be legally collected by a sheriff or tax collector  
20 or director of finance for the city of New Orleans.

21 C. The sheriff or ex officio tax collector or director of finance for the  
22 city of New Orleans ~~shall~~ may enter into a contract with such agency or private  
23 attorney, ~~which shall provide the hourly rate of payment for services. The~~  
24 ~~hourly rate shall not exceed the attorney general's fee schedule. The contract~~  
25 shall include the method of compensation to be paid, which shall be either  
26 by an hourly rate for services or a specific fee. The hourly rate shall not  
27 exceed the attorney general's fee schedule. If the method of compensation

1           is a fee, it shall not exceed ten percent of the amount collected, which  
 2           percentage shall be calculated on the total amount collected inclusive of any  
 3           monies due as a result of a fine, bond, tax, license fee, or any other payment  
 4           to be collected. The compensation due to the private attorney or agency  
 5           shall be payable to the tax recipient body by the taxpayer. The sheriff or ex  
 6           officio tax collector or director of finance for the city of New Orleans shall  
 7           obtain approval of the hourly rate or fee to be paid the private attorney or  
 8           agency by the tax recipient bodies, which are owed in the aggregate, at least  
 9           seventy-five percent of the revenues to be collected prior to contracting with the  
 10          attorney or agency. The sheriff or ex officio tax collector or chief  
 11          administrative officer shall give advance notice to the tax recipient bodies prior  
 12          to employing counsel or an agency and shall provide an estimate of anticipated  
 13          expenses. The affected tax recipient bodies shall each contribute its pro rata or  
 14          equitable share of the fees and expenses of the attorney or agency. The sheriff  
 15          or ex officio tax collector or director of finance for the city of New Orleans shall  
 16          furnish an itemized expense voucher to all affected tax recipient bodies, which  
 17          shall be due and payable upon receipt by the tax recipient body.

18                   D. If as a result of any judgment or settlement, monies attributable to  
 19          attorney or agency fees and expenses are paid to the sheriff or ex officio tax  
 20          collector or director of finance for the city of New Orleans in an amount in  
 21          excess of the amount owed to the attorney or agency under contract, the sheriff  
 22          or ex officio tax collector or director of finance for the city of New Orleans shall  
 23          rebate such excess to the affected tax recipient bodies based upon their pro rata  
                 payments for the cost of the attorney or agency.

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 PRESIDENT OF THE SENATE

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_