

Regular Session, 2008

HOUSE BILL NO. 957

BY REPRESENTATIVE GREENE

WORKERS COMPENSATION: Provides relative to the nonpayment of judgments

1 AN ACT

2 To amend and reenact R.S. 23:1201(G), relative to the failure to pay final judgments timely;
3 to provide for a penalty and attorney fee assessment against any party for untimely
4 payment of any award after a final nonappealable judgment; to provide for
5 procedures after the rendition of final judgment; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1201(G) is hereby amended and reenacted to read as follows:

8 §1201. Time and place of payment; failure to pay timely; failure to authorize;
9 penalties and attorney fees

10 * * *

11 G. If any award payable against any party under the terms of a final,
12 nonappealable judgment is not paid within thirty days after it becomes due, there
13 shall be added to such award an amount equal to twenty-four percent thereof or one
14 hundred dollars per day together with reasonable attorney fees, for each calendar day
15 after thirty days it remains unpaid, whichever is greater, which shall be paid at the
16 same time as, and in addition to, such award, unless such nonpayment results from
17 conditions over which the party against whom the award is made had no control.
18 Once a final judgment has been rendered, all hearings thereafter in the matter may
19 be by motion. No amount paid as a penalty under this Subsection shall be included
20 in any formula utilized to establish premium rates for workers' compensation

1 insurance. The total one hundred dollar per calendar day penalty provided for in this
2 Subsection shall not exceed three thousand dollars in the aggregate.

3 * * *

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

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. 957

Abstract: Provides relative to the non-payment of judgments.

Present law provides that if final, nonappealable judgment awarding monetary damages is not paid within 30 days after it becomes due, there shall be a late payment penalty of 24% on the amount due or \$100 per day, along with reasonable attorney fees, for each calendar day after 30 days that the judgment remains unpaid, whichever is greater. Requires that the penalty amount be paid at the same time as the actual judgment. Excludes these requirements from application to any nonpayment resulting from conditions over which the employee had no control. Prohibits including the penalty payment in any formula used to establish premium rates. Provides that the \$100 per day penalty shall not exceed \$3,000 in the aggregate.

Proposed law specifies that the present law penalty provision is applicable to any award payable against any party for untimely payment of a final nonappealable judgment. Provides that the uncontrollable conditions exclusion in present law is applicable to the party against whom the claim is made. Also provides that after a final judgment is rendered, all subsequent hearings may be by motion.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 23:1201(G))