

Regular Session, 2011

HOUSE BILL NO. 410

BY REPRESENTATIVE LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SEIZURES/SALES: Exempts a seizing creditor or keeper from liability for unpaid taxes

1 AN ACT

2 To enact R.S. 9:5138(D), relative to limiting tax liability of certain persons; to provide a
3 limitation of liability for unpaid taxes of seizing creditors or keepers of property; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:5138(D) is hereby enacted to read as follows:

7 §5138. Powers, duties, and compensation

8 * * *

9 D. Notwithstanding R.S. 47:337.85 or any other provision of law to the
10 contrary, neither a seizing creditor nor a keeper appointed pursuant to the provisions
11 of this Subpart shall be liable for any unpaid taxes arising from the operation of any
12 business conducted on or from the seized property before its seizure.

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)]

Landry

HB No. 410

Abstract: Limits the tax liability of seizing creditors and keepers of property.

Present law provides for the appointment and authority of keepers or receivers of mortgaged property that is subject to seizure.

Present law provides for the prudent administration of the property by the keeper or receiver, and provides that neither the keeper nor the seizing creditor shall be liable to the mortgagor

or the owner of the seized property or any other person for any financial or pecuniary loss or damage claimed to have been suffered by the mortgagor or owner of the seized property or any other person by reason of the administration or management of the property by the keeper or receiver acting as a prudent administrator.

Present law provides for the application and accounting of all revenues or other amounts received by the keeper during his administration.

Present law (R.S. 47:337.85) provides, in part, that all receivers, referees, trustees, or other officers appointed by any court to administer or conduct any business in this state, shall be subject to all local taxes applicable to such business the same as if such business were conducted by an individual or corporation, and that such receivers, referees, trustees, or liquidators, upon assuming their official duties, shall immediately ascertain from the proper authority the amount of taxes owed by said individual, partnership, association, or corporation, whose estate they are administering, and in the event of their failure to so ascertain or pay all such taxes, shall be personally responsible for the unpaid taxes.

Proposed law provides that a seizing creditor or a keeper appointed pursuant to the provisions of present law shall not be liable for any unpaid taxes arising from the operation of any business conducted on or from the seized property before its seizure.

(Adds R.S. 9:5138(D))