



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

January 8, 2014
OPINION 13-0165

The Honorable Charles E. Coleman
Mayor, Town of Jackson
P.O. Box 1150
Jackson, LA 70748

71 MUNICIPALITIES
La. R.S. 13:1898

Under La. R.S. 13:1898(A), the Town of Jackson may not use a collection agency to collect unpaid traffic fines other than parking violations.

Dear Mayor Coleman:

Your request for an Attorney General's Opinion has been assigned to me for research and reply. You ask whether the Town of Jackson (the "Town") may use a collection agency to collect unpaid traffic fines other than parking violations.

The Town operates under a legislative charter under which its mayor and trustees have the authority to make all needful police regulations for the preservation and protection of good order, peace and happiness of the municipality.¹ The Charter also grants the mayor and trustees the power to make bylaws for the government of the municipality.² Current bylaws provide that the mayor, as chief executive officer of the Town, shall enforce the laws of the Town and shall try and punish offenders.³ Additionally, both the Charter and La. Const. art. VI, § 4 grant the mayor and trustees all other corporate powers that are prescribed by law for the government of municipalities.⁴

Included among those other powers are those granted to city and municipal courts. Pertinently, La. R.S. 13:1898(A) provides as follows:

Except as otherwise provided by special law and in Subsection B thereof,⁵ the clerk of the city court or the marshal, as designated by the judge, shall collect all fines, forfeitures, penalties, and costs, and all funds so collected by them, excluding costs, shall be paid into the city treasury when the prosecution is on behalf of the city and into the parish treasury to be deposited in the parish general fund and used as a general expenditure of

¹ Town of Jackson Charter, Section 8, Subsection 7, "Police Powers."

² Town of Jackson Charter, Section 4, Subsection 7, "Bylaws."

³ Town of Jackson Charter, Section 3.1, "Enforcement of Laws."

⁴ Town of Jackson Charter, Section 4, Subsection 9, "General Municipal Powers."

⁵ La. R.S. 13:1898(B) pertains to Lincoln Parish and thus is inapplicable.

said parish, in parishes other than Orleans, when the prosecution is on behalf of the state or parish.

[Emphasis added].

As we stated in La. Atty. Gen. Op. No. 05-0197, given the emphasized language, it is clear that the clerk of the city court or the marshal, as designated by the judge, has the sole responsibility of collecting unpaid fines unless a special authorization exists.

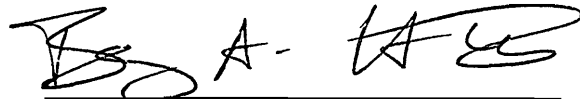
Considering the forgoing statutory authority, it is the opinion of this office that, under La. R.S. 13:1898(A), the Town may not use a collection agency to collect unpaid traffic fines other than parking violations.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

Yours very truly,

JAMES D. "BUDDY" CALDWELL
Attorney General

By:

A handwritten signature in black ink, appearing to read "B. A. Huxen II", written over a horizontal line.

BENJAMIN A. HUXEN II
Assistant Attorney General

JDC/BAH II