

# ACT No. 215

2015 Regular Session

HOUSE BILL NO. 357

BY REPRESENTATIVE RITCHIE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

To amend and reenact R.S. 6:333(F)(14) and (18), R.S. 46:236.1.4(A) and (C), and R.S. 47:1677(A) and (F)(4) and to enact R.S. 47:1677(F)(5), relative to financial disclosure authorizations; to require banks or their subsidiaries or affiliates to disclose certain information; to authorize financial institutions to provide certain information of joint account holders to the Department of Revenue; to authorize financial institutions to provide certain information of joint account holders to the Department of Children and Family Services; to provide for the payment of the reimbursement fee received by financial institutions conducting data match; to provide relative to the participation fee payment from the Department of Revenue; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:333(F)(14) and (18) are hereby amended and reenacted to read as follows:

§333. Disclosure of financial records; reimbursement of costs

\* \* \*

F. The following disclosures by a bank or any affiliate are hereby specifically authorized and, except as otherwise provided in this Subsection, nothing in this Section shall prohibit, restrict, or otherwise apply to:

\* \* \*

(14) The disclosure by a bank or any affiliate of data match information on an individual to the secretary of the Department of Children and Family Services, or his designee in the office of children and family services, child support enforcement section, for use in attempting to establish, modify, or enforce a child support

1 obligation of such individual. Such disclosure to the department shall be limited to  
 2 the name, record address, social security or taxpayer identification number, and an  
 3 average daily account balance for the most recent thirty-day period, of a noncustodial  
 4 parent who maintains an account at such institution and who owes past-due support  
 5 as identified by the state by name and social security or taxpayer identification  
 6 number. The disclosure authorization provided for in this Paragraph shall apply to  
 7 all co-owners listed on the applicable account.

8 \* \* \*

9 (18) The disclosure by a bank or any of its subsidiaries or affiliates of data  
 10 match information on an account owner to the secretary of the Department of  
 11 Revenue, and his ~~or her~~ designee in the office of debt recovery, for use in attempting  
 12 to enforce a final tax or non-tax assessment or judgment against such individual or  
 13 entity. Such disclosure to the department or office shall be limited to the name,  
 14 record address, social security or taxpayer identification number, other identifying  
 15 information, and an average daily account balance for the most recent thirty-day  
 16 period, of a state tax or state non-tax debtor who maintains an account or is a  
 17 customer at such institution and who purportedly owes a final state tax or state non-  
 18 tax assessment or judgment. The disclosure authorization provided for in this  
 19 Paragraph shall apply to all co-owners listed on the applicable account.

20 \* \* \*

21 Section 2. R.S. 46:236.1.4(A) and (C) are hereby amended and reenacted to read as  
 22 follows:

23 §236.1.4. Family and child support programs; financial institution duties;  
 24 responsibilities

25 A. A financial institution shall provide the name, record address, social  
 26 security number or other taxpayer identification number, other identifying  
 27 information and an average daily account balance for the most recent thirty-day  
 28 period for each calendar quarter for each noncustodial parent who maintains an  
 29 account at such institution and who owes past due support. A financial institution

1           may provide the information described in this Subsection pertaining to any co-owner  
2           listed on the applicable account.

3   \*       \*       \*

4                       C. The Department of Children and Family Services may pay a reasonable  
5           reimbursement fee to a financial institution for conducting the data match, not to  
6           exceed the actual costs incurred by such financial institution. The reimbursement fee  
7           may be paid quarterly or annually at the end of the state fiscal year upon request of  
8           any financial institution.

9   \*       \*       \*

10           Section 3. R.S. 47:1677(A) and (F)(4) are hereby amended and reenacted and R.S.  
11   47:1677(F)(5) is hereby enacted to read as follows:

12           §1677. Financial institution data match

13                       A. A financial institution or its processor shall provide to the department or  
14           the office, the name, record address, social security number or other taxpayer  
15           identification number, any other identifying information, and an average daily  
16           account balance for the most recent thirty-day period, for each calendar quarter for  
17           each account owner who maintains an account at such institution and who the office  
18           purports is a tax or nontax debtor. A financial institution may also provide the  
19           information described in this Subsection pertaining to any co-owner of such account.

20   \*       \*       \*

21                       F.

22   \*       \*       \*

23                       ~~(4) Any fees paid under this Section shall not be comprised of or constitute~~  
24           ~~any amounts due to a financial institution for its compliance with R.S. 46:236.1.4.~~

25           The department or office shall be responsible for the reconciliation and tracking of  
26           data and information regarding the number of sent data match request files, received  
27           completed data match accounts, and amounts paid in accordance with this Section.

28           The department shall also be responsible for tracking and reporting all statistical  
29           information regarding financial data match activities to the commissioner of  
30           administration or his designee every six months and to report the information to the

1 Joint Legislative Committee on the Budget every session prior to the last day of each  
2 legislative session.

3 (5) At the discretion of the secretary, the department or office and the  
4 Department of Children and Family Services may enter into an agreement to share  
5 the costs of reimbursement fees paid to financial institutions for complying with  
6 financial institution data match laws pursuant to R.S. 46:236.1.4 or this Section. As  
7 part of any such agreement, the department shall make reimbursement out of current  
8 allocations.

9 \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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