

RÉSUMÉ DIGEST

ACT 264 (HB 404)

2020 Regular Session

Farnum

Prior law provided that in an emergency situation, once the office of the clerk of court is reopened, the clerk would have published a legal notice as soon as possible in all of the official parish journals of the parishes within the district setting forth the dates of closure, the hour of closure if applicable, the reasons for closure, and a statement that these days or parts of days were legal holidays. Existing law provides for other procedures for reopening the office of the clerk of court after an emergency situation.

New law removes the requirement that the clerks publish a legal notice in all of the official parish journals of the parishes within the district when an emergency situation develops.

New law authorizes the Louisiana Clerks' Remote Access Authority (LCRAA) to establish and administer an electronic bulletin board on the statewide portal for participants to display and archive copies of public notices, including notices of emergency closures required by existing law.

New law requires the LCRAA to provide for infrastructure, governance, standard operating procedures, technology, and training to support a statewide portal for secure remote access by internet users to certain records maintained by LCRAA members.

New law requires the LCRAA to provide assistance to its members in procuring, implementing, enhancing, and maintaining equipment, supplies, and services related to technology to facilitate electronic transactions and communications, to disseminate information to the public, and to facilitate the operations of any member during any declared emergency.

New law retains the existing law requirement to provide for document preservation.

Prior law provided that the LCRAA, acting through its board, shall have the power to establish user fees for remote access through the statewide portal.

New law changes prior law from establishing user fees for remote access to establishing user fees for services provided.

New law prohibits the clerk from refusing to accept an electronic filing which complies with the procedures for electronic filing.

New law requires that if the filing party fails to comply with any requirement of existing law, the electronic filing has no force or effect. New law authorizes district courts to provide by court rule for other matters related to filings by electronic transmission.

New law authorizes the clerk of court to procure equipment, services, and supplies necessary to accommodate electronic filings out of the clerk's salary fund.

New law requires all electronic filings to include an electronic signature and defines "electronic signature" as an electronic symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Effective Aug. 1, 2020.

(Amends R.S. 1:55(E)(2) and R.S. 13:754(E)(1), (5), (8), and (10); Adds R.S. 13:754(E)(13))