

Regular Session, 2006
HOUSE BILL NO. 262
BY REPRESENTATIVE PINAC

ACT No. 256

1 AN ACT

2 To amend and reenact R.S. 12:2, relative to filing requirements for certain business
3 organizations; to provide procedures for Internet filings; to provide procedures for
4 in-person filings; to delete requirements for acknowledgments, authentic acts, or
5 other documentation requiring a notary public under certain circumstances; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 12:2 is hereby amended and reenacted to read as follows:

9 §2. Filing methods

10 A.(1) The secretary of state may accept any filing, authorized by this Title,
11 by electronic or facsimile transmission. All electronic filings authorized by this Title
12 shall include an electronic or digital signature.

13 (2) "Digital signature" means a type of electronic signature that transforms
14 a message using an asymmetric crypto system such that a person having the initial
15 message and the signer's public key can accurately determine:

16 (a) Whether the transformation was created using the private key that
17 corresponds to the signer's public key.

18 (b) Whether the initial message has been altered since the transformation was
19 made.

20 (3) "Electronic signature" means an electronic sound, symbol, or process
21 attached to or logically associated with a record and executed or adopted by a person
22 with the intent to sign the record.

23 B. A facsimile filing, the process of transmitting printed documents by
24 electronic method to the secretary of state, is deemed to be properly signed when the
25 document received by a facsimile machine or document image attachment in e-mail

1 in the commercial division, office of the secretary of state, purports to be a copy of
2 the original document, and contains the signatures required by this Section.

3 C.(1) Internet filing. The secretary of state is authorized to implement and
4 establish procedures and systems for secure Internet-form filing for the filing of any
5 instrument required under this Title.

6 (2) Any requirement that an instrument filed under this Title shall be
7 subscribed or acknowledged before a notary public may be dispensed with if the
8 instrument is filed and signed electronically as provided in Paragraph (A)(3) of this
9 Section by a person authorized to sign the instrument.

10 D. In-person filing. Any provision of this Title requiring that an instrument
11 filed under this Title shall be subscribed or acknowledged before a notary public may
12 be dispensed with if the instrument is signed, by the person authorized to sign, in the
13 presence of the employee of the secretary of state receiving the instrument for filing
14 provided the employee verifies the identity of the person signing the instrument.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____