

Regular Session, 2012

SENATE BILL NO. 595

BY SENATOR CROWE

PUBLIC RECORDS. Creates the "Business Identity Theft Prevention Act". (gov sig)

1 AN ACT

2 To enact R.S. 12:2.1 and R.S. 44:4(45) and 4.1(B)(37), relative to access of certain public
3 records; to provide for the "Business Identity Theft Prevention Act"; to make
4 confidential certain electronic mail addresses; to provide for notifications; to provide
5 relative to the duties of the secretary of state; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 12:2.1 is hereby enacted to read as follows:

8 **§2.1. Business identity theft prevention**

9 **A. The purpose of this Section is to protect a business from identity theft**
10 **and to notify any person who is an officer of a corporation, member or manager**
11 **of a limited liability company, or partner in partnership, or any agent thereof,**
12 **that the person's name has been removed from the documents and records of**
13 **the secretary of state pursuant to a filing of business records by another**
14 **individual purporting to have the authority to remove the officer, member,**
15 **manager, or partner from the documents and records of the secretary of state.**

16 **B. Pursuant to the purposes set forth in Subsection A of this Section, any**
17 **electronic mail addresses given to, or captured by, the secretary of state**

1 **pursuant to electronic filings made by businesses as provided for in R.S. 12:2**
2 **shall be confidential.**

3 **C. This Section shall be known as the "Business Identity Theft**
4 **Prevention Act".**

5 Section 2. R.S. 44:4(45) and 4.1(B)(37) are hereby enacted to read as follows:

6 §4. Applicability

7 This Chapter shall not apply:

8 * * *

9 **(45) To electronic mail addresses given to, or captured by, the secretary**
10 **of state in conjunction with filings made pursuant to R.S. 12:2 and declared to**
11 **be confidential in R.S. 12:2.1.**

12 §4.1. Exceptions

13 * * *

14 B. The legislature further recognizes that there exist exceptions, exemptions,
15 and limitations to the laws pertaining to public records throughout the revised
16 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
17 limitations are hereby continued in effect by incorporation into this Chapter by
18 citation:

19 * * *

20 **(37) R.S. 12:2.1**

21 * * *

22 Section 3. This Act shall become effective upon signature by the governor
23 or, if not signed by the governor, upon expiration of the time for bills to become law
24 without signature by the governor, as provided by Article III, Section 18 of the
25 Constitution of Louisiana. If vetoed by the governor and subsequently approved by
26 the legislature, this Act shall become effective on the day following such approval.

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Lauren Bailey.

DIGEST

Present law provides that the secretary of state may accept any filing for corporations, limited liability companies, partnership agreements, and other documentation by electronic or facsimile transmission.

Proposed law retains present law but in order to protect a business from identity theft, any electronic mail addresses given to, or captured by, the secretary of state pursuant to electronic filings made by businesses are to be kept confidential.

Proposed law provides that an additional purpose for retaining the email addresses as confidential is to notify those persons whose name has been removed by another individual purporting to have authority to remove the person from the records of the secretary of state.

Proposed law provides that proposed law shall be known as the "Business Identity Theft Prevention Act".

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 12:2.1 and R.S. 44:4(45) and 4.1(B)(37))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Provides that an additional purpose for retaining the email addresses as confidential is to notify those persons whose name has been removed by another individual purporting to have authority to remove the person from the records of the secretary of state.