

RÉSUMÉ DIGEST

ACT 19 (HB 297)

2019 Regular Session

Howard

New law allows the secretary of state's office to prescribe and furnish forms for certain filings.

New law provides that the failure to include the taxpayer identification number of the partnership when filing a statement of registry shall not invalidate nor cause the secretary of state to reject the contract.

Prior law required a corporation to deliver two copies of an application for withdrawal to the secretary of state. New law reduces the number of copies the corporation must deliver from two to one.

Prior law required the secretary of state to provide written notice to a foreign corporation or limited liability company before the certificate of authority was suspended, and the notice would afford the corporation 15 days to comply with prior law or to show cause why the written notice should not have been given. Prior law authorized the secretary of state to hold hearings and take evidence when the corporation or limited liability company undertook to show cause why the written notice should not have been given. Prior law allowed the secretary of state to suspend the certificate of authority of any such corporation or limited liability company, if the corporation or limited liability company did not reply within the 15 day period. New law repeals prior law.

New law requires the secretary of state to provide at least 60 days written notice of the secretary of state's intention to suspend a corporation's or limited liability company's certificate of authority.

New law provides that if a corporation's or limited liability company's certificate of authority is suspended for failure to file its annual report within the time required by prior law, and has been suspended for six months or more, the secretary of state shall revoke the suspension only if the required annual report is accompanied by a certificate of existence or a certificate of good standing.

Prior law required that when any order of suspension was made, the secretary of state would forward a certified copy of the order to the corporation and provide similar notice in the event of revocation of such suspension. New law repeals prior law.

New law requires a request for conversion of state of organization to be acknowledged by at least one of the persons who signed it or it may be executed by authentic act.

Prior law provided that electronic mail addresses and short message service numbers submitted to or captured by the secretary of state pursuant to prior law should be confidential and not be disclosed except in the course of interactions provided for in prior law. New law adds internet protocol address numbers to this list of confidential items.

New law provides a list of items relating to the secretary of state's computer systems and equipment shall be confidential and shall not be disclosed by the secretary of state or any employee or official of the Dept. of State.

Effective upon signature of governor (May 28, 2019).

(Amends R.S. 9:3403(A), 3409(B) and (C), 3422(A), 3427, 3428(B) and (C), and 3445(B), R.S.12:1-121(B), 1-1007(C), 205(A) and (E)(1), 205.1(B) and (C), 238(B), 239.1(A), 241, 243(F)(1) and (H), 247.1(B)(2) and (C)(1)(b), 250(C)(2), 250.1(A), 256(A)(2), 257(B), 262.1(E)(1), 304(A)(11)(a), 307.1, 312(C), 312.1, 313(D), 492(C), 1304(A), 1308.1(B), 1308.2(C)(1), 1308.3(C)(intro para), 1309(B), 1310(F), 1335.1(A), 1339(B), 1340(A)(1), 1349, 1350.1(B), 1352, 1353(D), 1360(B), 1702, and 1804(A), and R.S. 51:211(A), 215.1(A), and 219; Adds R.S. 9:3409(D) and 3428(D), R.S. 12:205.1(D), 236(F), 243(G)(5), 308(G), 309(C), 1307(D), 1308(G), 1308.1(C), 1350(G), and 1350.1(C), and R.S. 51:217(C))