

2022 Regular Session

SENATE BILL NO. 440

BY SENATOR MORRIS

CIVIL PROCEDURE. Provides relative to facsimile transmission of filings in civil actions.
(8/1/22)

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AN ACT

To amend and reenact R.S. 13:850(A) and Code of Civil Procedure Art. 253(B), relative to clerks of court; to provide relative to facsimile transmission of filings in civil actions; to provide with respect to time of filings; to provide with respect to filing fees; to provide relative to pleadings, documents, and exhibits filed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:850(A) and Code of Civil Procedure Art. 253(B), are hereby amended and reenacted to read as follows:

§850. Facsimile transmission; filings in civil actions; fees; equipment and supplies

A. Any document in a civil action may be filed with the clerk of court by facsimile transmission. All clerks of court shall make available for their use equipment to accommodate facsimile filing in civil actions. Filing shall be deemed complete at the time the facsimile transmission is received ~~by the~~ in the office of the clerk of court. **The date and time in which the facsimile transmission is received in the office of the clerk of court shall be stamped on the facsimile filing.** No later than on the first business day after receiving a facsimile filing, the clerk of court

1 shall transmit to the filing party via facsimile a confirmation of receipt and include
2 a statement of the fees for the facsimile filing and filing of the original document.

3 The facsimile filing fee and transmission fee are incurred upon receipt of the
4 facsimile filing ~~by the~~ **in the office of the** clerk of court and payable as provided in
5 Subsection B of this Section. The facsimile filing shall have the same force and
6 effect as filing the original document, if the filing party complies with Subsection B
7 of this Section. **An electronic confirmation of the facsimile filing evidencing the**
8 **date and time and any additional proof thereof, submitted by the filing party**
9 **shall be prima facie proof of the filing.**

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11 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

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13 A. All pleadings or documents to be filed in an action or proceeding instituted
14 or pending in a court, and all exhibits introduced in evidence, shall be delivered to
15 the clerk of the court for such purpose. The clerk shall endorse thereon the fact and
16 date of filing, and shall retain possession thereof for inclusion in the record, or in the
17 files of his office, as required by law. The endorsement of the fact and date of filing
18 shall be made upon receipt of the pleadings or documents by the clerk and shall be
19 made without regard to whether there are orders in connection therewith to be signed
20 by the court.

21 B. The filings as provided in Paragraph A of this Article and all other
22 provisions of this Chapter may be transmitted electronically in accordance with a
23 system established by a clerk of court or by Louisiana Clerks Remote Access
24 Authority. When such a system is established, the clerk of court shall adopt and
25 implement procedures for the electronic filing and storage of any pleading,
26 document, or exhibit. The official record shall be the electronic record. A pleading
27 or document filed electronically is deemed filed ~~on the date and time stated on the~~
28 ~~confirmation of electronic filing sent from the system, if the clerk of court accepts~~
29 **the electronic filing at the time that the facsimile transmission is received in the**

be transmitted electronically in accordance with a system established by a clerk of court or by La. Clerks Remote Access Authority, and that when such a system is established, the clerk of court shall adopt and implement procedures for the electronic filing and storage of any pleading, document, or exhibit. Present law further provides that the official record shall be the electronic record. Proposed law retains present law.

Present law provides that a pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing.

Proposed law provides that the filing shall be deemed complete at the time the facsimile transmission is received in the office of the clerk of court.

Proposed law provides that the date and time in which the facsimile transmission is received in the clerk's of court office shall be stamped on the facsimile filing.

Present law provides that public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to written filings. Proposed law retains present law.

Effective August 1, 2022.

(Amends R.S. 13:850(A) and C.C.P. Art. 253(B))