
DIGEST

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HB 697 Original

2015 Regular Session

Abramson

Abstract: Amends current law regarding authentic evidence for executory process and electronic obligations documents to extend the rights, protections, and authority of a financial institution under present law to an assignee in possession of a reproduction of an electronic record.

Present law enumerates a list of documentary evidence deemed to be authentic evidence for the purposes of executory process.

Proposed law adds documents recognized by R.S. 13:3733.2 to the enumerated list.

Proposed law provides for a definition of an "electronic record" and "electronic signature".

Present law provides that a financial institution must certify that it is entitled to enforce an obligation evidenced by documents attached to a certificate of authenticity.

Proposed law provides that an assignee may certify that he is entitled to enforce an obligation as evidenced by documents attached to a certificate of authenticity.

Proposed law provides that a record, electronic record, or reproduction of a record or electronic record which contains an electronic signature or a reproduction of an electronic signature is presumed to be genuine if accompanied by a certification that is executed by a representative of a financial institution or its assignee and complies with the proposed form.

(Amends C.C.P. Arts. 2636(8) and 2637(F) and R.S. 13:3733.1(A)(intro. para.), (2), and (4), (C), and (E); Adds C.C.P. Art. 2636(9) and R.S. 13:3733.1(A)(5) and (6), (L), and 3733.2)