

Regular Session, 2012

HOUSE BILL NO. 354

BY REPRESENTATIVE CROMER

EMPLOYMENT/AGENCIES: Provides relative to registration and regulation of Professional Employer Organizations by the Dept. of Insurance and the La. Workforce Commission

1 AN ACT

2 To enact R.S. 22:1751 and R.S. 23:1769, relative to registration and regulation of
3 Professional Employer Organizations by the Department of Insurance and the
4 Louisiana Workforce Commission; to authorize such organizations to register
5 electronically and through certain approved assurance organizations; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1751 is hereby enacted to read as follows:

9 §1751. Electronic registration; registration through an approved assurance
10 organization

11 A. The commissioner is authorized, to the extent practical, to accept the
12 electronic filing of a PEO registration that is in conformance with the Louisiana
13 Uniform Electronic Transaction Act, R.S. 9:2601 et seq., including applications,
14 documents, reports, and other filings required by this Part.

15 B. The commissioner is further authorized, to the extent practical, to provide
16 for the acceptance of electronic filings and other assurance documents by an
17 independent and qualified assurance organization approved by the commissioner that
18 provides satisfactory assurance of compliance with the applicable provisions of this
19 Part. The commissioner may permit a PEO to authorize such an approved assurance

1 organization to act on the PEO's behalf in complying with the registration
2 requirements of this Part, including the electronic filing of applications, documents,
3 reports, registration fees, and other information. Use of such an approved assurance
4 organization shall be optional and not mandatory for any PEO.

5 C. Nothing in this Section shall limit or change the authority of the
6 commissioner to register or terminate the registration of a PEO or to investigate or
7 enforce any provision of this Part.

8 Section 2. R.S. 23:1769 is hereby enacted to read as follows:

9 §1769. Electronic registration; registration through an approved assurance
10 organization

11 A. The administrator is authorized, to the extent practical, to accept the
12 electronic filing of a PEO registration that is in conformance with the Louisiana
13 Uniform Electronic Transaction Act, R.S. 9:2601 et seq., including applications,
14 documents, reports, and other filings required by this Part.

15 B. The administrator is further authorized, to the extent practical, to provide
16 for the acceptance of electronic filings and other assurance documents by an
17 independent and qualified assurance organization approved by the commissioner that
18 provides satisfactory assurance of compliance with the applicable provisions of this
19 Part. The administrator may permit a PEO to authorize such an approved assurance
20 organization to act on the PEO's behalf in complying with the registration
21 requirements of this Part, including the electronic filing of applications, documents,
22 reports, registration fees, and other information. Use of such an approved assurance
23 organization shall be optional and not mandatory for any PEO.

24 C. Nothing in this Section shall limit or change the authority of the
25 administrator to register or terminate the registration of a PEO or to investigate or
26 enforce any provision of this Part.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Cromer

HB No. 354

Abstract: Authorizes Professional Employer Organizations registered and regulated by the Dept. of Insurance and the La. Workforce Commission to register electronically and through certain approved assurance organizations.

Present law authorizes the commissioner of insurance and the executive director of the La. Workforce Commission (administrator) to register and regulate Professional Employer Organizations (PEOs). Defines such organizations as any person that offers professional employer services pursuant to a professional employer services agreement, defined as an agreement between a professional employer organization and a client pursuant to which the PEO assumes the status of employer with respect to a substantial part of a client's workforce and undertakes responsibilities specified in the agreement with respect to those employees covered by the agreement.

Proposed law authorizes the commissioner and the executive director to accept the electronic filing of a PEO registration that is in conformance with the La. Uniform Electronic Transaction Act, including applications, documents, reports, and other filings required by present law.

Proposed law further authorizes the commissioner and the executive director to provide for the acceptance of electronic filings and other assurance documents by an independent and qualified assurance organization approved by the commissioner that provides satisfactory assurance of compliance with the applicable provisions of present law. Allows the commissioner to permit a PEO to authorize such an approved assurance organization to act on the PEO's behalf in complying with the registration requirements of present law, including the electronic filing of applications, documents, reports, registration fees, and other information. Specifies that use of such an approved assurance organization shall be optional.

Proposed law provides that nothing in proposed law shall limit or change the authority of the commissioner to register or terminate the registration of a PEO or to investigate or enforce any provision of present law.

(Adds R.S. 22:1751 and R.S. 23:1769)