

Regular Session, 2012

HOUSE BILL NO. 1150

BY REPRESENTATIVE HUNTER

CIVIL/PLEADINGS: Provides with respect to facsimile filings

1 AN ACT

2 To amend and reenact R.S. 13:850(B)(introductory paragraph) and to enact R.S. 13:850(E),
3 relative to facsimile filings in civil actions; to provide for exceptions to filing an
4 original document in certain circumstances; to provide for procedures; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:850(B)(introductory paragraph) is hereby amended and reenacted
8 and R.S. 13:850(E) is hereby enacted to read as follows:

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

10 * * *

11 B. Within ~~five~~ seven days, exclusive of legal holidays, after the clerk of
12 court has received the transmission, the party filing the document shall forward the
13 following to the clerk:

14 * * *

15 E. A party or his counsel of record who files subsequent pleadings with the
16 court by facsimile transmission and who appears in court or who has sufficient funds
17 deposited in the suit account with the clerk of court to pay the filing fees shall be
18 required to file the original signed pleading on the earlier of any court appearance
19 in the suit or as provided by Subsection (B)(1) of this Section.

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)]

Hunter

HB No. 1150

Abstract: Provides that a party or his counsel of record who files any paper with the court by facsimile transmission shall be required to file the original signed document within seven days after the clerk has received the fax, and further provides that on subsequent pleadings, a party shall file the original within seven days of the clerk receiving the fax or the next court appearance in the suit, whichever is earlier.

Present law provides that any paper in a civil action may be filed with the court by facsimile transmission, and that such filing shall be deemed complete at the time that the facsimile transmission is received and a receipt of transmission has been transmitted to the sender by the clerk of court.

Present law requires the party filing the document to forward, within five days, the following to the clerk: (1) the original signed document; (2) the applicable filing fee, if any; and (3) a transmission fee of \$5.

Proposed law changes the time period within which a party shall file an original with the court from five days to seven days.

Present law provides that if the party fails to comply with the requirements of present law, the facsimile filing shall have no force or effect.

Proposed law provides that a party or his counsel of record who files any subsequent pleading with the court by facsimile transmission shall be required to file the original signed document with the clerk within seven days or at his next court appearance in the suit, whichever is earlier.

(Amends R.S. 13:850(B)(intro. para.); Adds R.S. 13:850(E))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Changed the time period within which a party shall submit an original of a facsimile filed pleading from within five days to seven days of receipt by the clerk.
2. Required a party who files a subsequent pleading by facsimile to file the original with the clerk within seven days or at his next court appearance in the suit, whichever is earlier.