

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.

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**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)]

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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)