

2017 Regular Session

SENATE BILL NO. 236

BY SENATOR LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CLERKS OF COURT. Provides relative to clerks of court. (8/1/17)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact R.S. 9:5217, R.S. 13:844, R.S. 44:40(A), (B), (C), and (E), 116(A) and (B), and 161, Civil Code Art. 3352(C), and Code of Civil Procedure Art. 258(A), and to enact Code of Civil Procedure Arts. 258(D) and 259, relative to clerks of court; to provide for fees for services rendered; to provide standards for documents to be recorded; to provide alternate means to maintain copies of recorded documents; to provide indexing standards; to require plans for recording electronic documents; to provide relative to redaction and contents of certain personal information in filings and recordings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:5217 is hereby amended and reenacted to read as follows:

§5217. Recorder's fees for multiple indebtedness mortgages; form

~~A.~~ The uniform filing fee that a recorder in any parish of this state is authorized to charge for the filing and recordation of a multiple indebtedness mortgage executed in accordance with Civil Code Article 3298 is ~~twenty-five dollars, plus ten dollars for each subsequent page, and five dollars for each name after the first name that is required to be indexed~~ **as set forth in R.S. 13:844.**

1 ~~Notwithstanding the provisions of R.S. 13:844, R.S. 44:234, or any similar provision~~
 2 ~~or any other law to the contrary, the provisions of this Section establish the sole and~~
 3 ~~exclusive method of determining the filing and recordation fee for a multiple~~
 4 ~~indebtedness mortgage executed in accordance with Civil Code Article 3298,~~
 5 ~~regardless of the length of such mortgage.~~

6 ~~B. For purposes of establishing the recordation fee, every multiple~~
 7 ~~indebtedness mortgage filed for recordation shall be captioned as a "multiple~~
 8 ~~indebtedness mortgage" or "multiple obligations mortgage" on the first page, and~~
 9 ~~shall have on the first page a margin of two inches at the top and one inch at the~~
 10 ~~bottom and on each side, and all subsequent pages shall have a margin requirement~~
 11 ~~of one inch on all sides. In addition, the type size shall be not less than eight point.~~

12 ~~C. For any document not in compliance with the requirements of Subsection~~
 13 ~~B there shall be an additional noncompliance fee of ten dollars per document.~~

14 Section 2. R.S. 13:844 is hereby amended and reenacted to read as follows:

15 §844. Fees of ex officio recorders

16 A. (1) Clerks of the district courts as ex officio recorders ~~may~~ **shall** charge the
 17 following fees **for filing and recording documents:**

18 (1) ~~For filing and recording any document, twenty-five dollars per book for~~
 19 ~~the first page and ten dollars for each subsequent page per book up to ten pages. All~~
 20 ~~documents that exceed ten pages, twenty-five dollars for the first page and eight~~
 21 ~~dollars for each subsequent page.~~

22 **(a) For one to five page documents, one hundred dollars.**

23 **(b) For six to twenty-five page documents, two hundred dollars.**

24 **(c) For twenty-six to fifty page documents, three hundred dollars.**

25 **(d) For documents in excess of fifty pages, three hundred dollars for first**
 26 **fifty pages and ten dollars for each subsequent page.**

27 **(e) For indexing of all documents filed for record for each name after the**
 28 **tenth name that is required to be indexed, five dollars per name.**

29 **(f) The above set forth fees shall be inclusive of the following:**

1 (i) Indexing of all documents filed for record for up to ten names.

2 (ii) One certified copy of the recorded document or e-certification of
3 document.

4 (g) Notwithstanding any other provision of law to the contrary, there
5 shall be a fee of fifty dollars for the recordation of an act or affidavit to cancel
6 a single mortgage, lien, or privilege.

7 (h) If a document is to be recorded and filed in both the mortgage and
8 conveyance records, the fees provided in this Section shall be assessed
9 separately for recording in the mortgage records and in the conveyance records.

10 (i) Documents to be recorded may be either letter-size paper (8.5 x 11
11 inches) or legal-size paper (8.5 x 14 inches) and the recording fees set forth in
12 this Section shall be the same regardless of which size paper is used. For any
13 other size paper, there shall be an additional fee of twenty dollars per page.

14 (2) For indexing of all documents filed for record for each name after the first
15 name that is required to be indexed, five dollars per name.

16 (3) For notarizing acknowledgments of acts executed under private signature,
17 with seal and certificate, ~~five~~ **ten** dollars.

18 (4)(3) For certificate of real estate mortgage and lien certificate with seal, for
19 each name in which search is made, and for one definable property only, twenty
20 dollars for the first name and ten dollars for each additional name. There shall be an
21 additional charge of one dollar per exception in the event that more than ten
22 exceptions are contained on a certificate.

23 (5)(4) For canceling real estate mortgage, with original note, ten dollars.

24 (6)(5) For making copies of all official documents, no more than two dollars
25 per page.

26 (7)(6) For Except as provided in R.S. 13:844(A)(1)(f)(ii), for attesting any
27 record or copy thereof, ~~five~~ **ten** dollars. For a file-stamped conformed copy, five
28 dollars.

29 (8) For canceling of lien for paving or installation of sewerage system, ten

1 dollars.

2 B. (1) The funds derived by the clerk of court in the parish of Calcasieu from
3 that portion of the fees collectable pursuant to this Subsection above the amount of
4 such fees collectable at the rates provided by R.S. 13:844 prior to the amendment
5 thereof at the 1981 Regular Session of the Legislature shall be expended exclusively
6 for the payment of salaries of deputy clerks of court in that parish. As used in this
7 Section, a "document" is defined as those pages presented together for filing or
8 recording, inclusive of the act, together with exhibits, riders, or additional
9 documents attached thereto, including but not limited to powers of attorney,
10 property description exhibits, tax certificates and researches, mortgage
11 certificates, resolutions, certificates and surveys.

12 (2) Every document filed for recordation shall be captioned as to type of
13 act on the first page, and shall have on the first page a margin of two inches at
14 the top and one inch at the bottom and sides. The type size shall not be less than
15 eight point.

16 C. In addition to the above charges, the clerks of court as ex officio notaries
17 public may make a reasonable charge for drawing deeds, mortgages, chattel
18 mortgages, liens or other similar instruments.

19 ~~D. (1) For purposes of establishing the filing and recording fee, every~~
20 ~~document filed for recordation shall be captioned as to type of act on the first page,~~
21 ~~and shall have on the first page a margin of two inches at the top, and one inch at the~~
22 ~~bottom and sides. The type size shall not be less than eight point.~~

23 (2) For any document not in compliance with Paragraph (1) above, there shall
24 be an additional ten-dollar noncompliance fee per document.

25 ~~E. In addition to the fees provided in Subsection A of this Section, the clerk~~
26 ~~of the Twenty-Fourth Judicial District for the parish of Jefferson may demand and~~
27 ~~receive additional fees in an amount not to exceed twenty-five percent of the fees~~
28 ~~specified in Subsection A of this Section. The funds so derived by the clerk shall be~~
29 ~~expended exclusively for the payment of salaries of deputy clerks of court in that~~

1 ~~parish.~~

2 Section 3. R.S. 44:40(A), (B), (C), and (E), 116 (A) and (B), and 161 are hereby
3 amended and reenacted to read as follows:

4 §40. Additional copies of records ~~by microphotographic process~~; purchase of
5 equipment; funds available for payment; copies of suit records

6 A. The several clerks of court and ex officio recorders and registers of
7 conveyances and recorders of mortgages, throughout the state, are hereby authorized
8 at their option to make additional copies, by **any** means ~~of the microphotographic~~
9 ~~process, of all original acts and/or records thereof, including criminal records~~
10 **authorized by R.S. 44:116**, of every nature and kind in their custody by virtue of
11 their various official capacities as such clerks of court and ex officio recorders and
12 registers of conveyances and recorders of mortgages, filed or recorded in their
13 offices prior to July 29, 1964 and subsequent thereto.

14 B. Such clerks of court and ex officio recorders and registers are hereby
15 authorized to purchase the necessary ~~microphotographic equipment and equipment~~
16 ~~used to retrieve from storage microfilm copies~~ **for photorecording, photocopying,**
17 **microfilming, or electronic imaging**, to lease such equipment or to contract with
18 competent independent contractors, or both, according to the discretion of said clerks
19 of court and ex officio recorders and registers, to cause the records described in this
20 ~~section~~ **Section** to be copied and reproduced ~~by means of the microphotographic~~
21 ~~process~~.

22 C. Each such clerk of court and ex officio recorder and register is hereby
23 authorized to defray the cost of copying, reproducing and retrieving the records
24 described in this section, ~~including the cost of microphotographic and retrieval~~
25 ~~equipment and services~~, **Section** out of any funds available in the clerk's salary fund.

26 * * *

27 E. ~~The~~ **Notwithstanding the provisions of Subsection A of this Section or**
28 **any other provision of law to the contrary, prior to destroying the original**
29 **criminal records and any other records of every nature and kind that are**

1 deemed permanent under a record retention and disposal schedule adopted by
 2 the secretary of state and the clerks of court in accordance with R.S. 44:410 and
 3 411, the destruction of which is authorized by R.S. 13:917, the several clerks of
 4 court, including the clerks of the Criminal or Civil District Courts for the parish of
 5 Orleans, shall make and retain in their custody, ~~by means of the microphotographic~~
 6 ~~process, a copy of all original criminal and civil records of every nature and kind,~~
 7 ~~which are deemed permanent under a record retention and disposal schedule adopted~~
 8 ~~by the secretary of state and the clerks of court in accordance with R.S. 44:410 and~~
 9 ~~411. The clerks of court may then destroy the original criminal records and any other~~
 10 ~~records, the destruction of which is authorized by R.S. 13:917, which have been so~~
 11 ~~copied and retained~~ a copy of such records electronically on nonrewritable
 12 magnetic, optical or laser type storage media, including but not limited to
 13 CD-ROM. No cause of action for any claim shall exist against a clerk of court
 14 for any damage or loss resulting from the destruction of an original record after
 15 proper preservation of the record in accordance herewith. However, all records
 16 in suits affecting records relating to immovable property, or adoption, interdiction,
 17 successions, trusts, or emancipation created prior to 1922 shall be retained in their
 18 original form.

19 * * *

20 §116. Photostatic, photographic, microfilm, or other photographic or electronic
 21 copies of records; indexes of conveyance and mortgage records;
 22 disposition; evidentiary status; preservation

23 A. In all cases where the clerks of court and recorders of the various parishes
 24 throughout the state, Orleans Parish excepted, are required by law to make records
 25 of filings, documents, pleadings, and all other written instruments, ~~except~~ including
 26 indexes, and registers of the same, such records may be made by any method of
 27 photorecording, photocopying, microfilming, or other photographic method of
 28 reproduction or electronically on non-rewritable magnetic, optical, or laser type
 29 storage media, including but not limited to CD-ROM. However, the film stock used

1 in making photographic or microphotographic copies and the processing of the
 2 copies shall comply with the standards of the American National Standard Institute
 3 for permanent record photographic microcopying film and the electronic media used
 4 shall comply with the standards of the International Standards Organization for
 5 electronic storage of records.

6 B. Whenever recordation by means of photorecording, photocopying,
 7 microfilming, or other photographic method of reproduction is used or when
 8 electronic recordation on non-rewritable magnetic, optical, or laser type storage
 9 media is used, any requirement expressed or implied in law for the above-mentioned
 10 records, ~~other than~~ **including** indexes and registers of the same, to be maintained in
 11 a book or bound volume shall be satisfied by the appropriate storage unit of
 12 microfilm or other photographic method employed, or tape or disk; however, ~~the~~
 13 ~~originals of conveyances, probate, mortgage, and other permanent records required~~
 14 ~~by existing law to be kept for all time shall continue to be maintained in a book or~~
 15 ~~bound volume and shall remain subject to~~ **if a clerk of court elects to record by**
 16 **means of microfilming or other photographic method of reproduction, or**
 17 **electronically, he shall have copies of the films, tapes, or disks available for**
 18 **inspection**, examination and copying under the provisions of R.S. 44:31 et seq., and
 19 other applicable laws.

20 * * *

21 §161. Double index; form and contents

22 Recorders shall keep indexes, both direct and inverse, to all acts filed for
 23 record in their respective offices which indexes shall contain, in alphabetical order,
 24 references to the names of the parties to the acts, to the file number assigned on
 25 recordation to the day, month and year in which they are recorded, and to the book
 26 and page in which they are recorded. **In addition to these requirements, all**
 27 **recorders shall adopt and adhere to any indexing standards that have been**
 28 **promulgated by the Louisiana Clerks' Remote Access Authority.**

29 Section 4. Civil Code Article 3352(C) is hereby amended and reenacted to read as

1 follows:

2 Art. 3352. Recorded acts; required information

3 * * *

4 C. The recorder shall only display the last four digits of the social security
5 numbers **or taxpayer identification numbers** listed on instruments that his office
6 makes available for viewing on the Internet.

7 Section 5. Code of Civil Procedure Article 258(A) is hereby amended and reenacted
8 and Code of Civil Procedure Articles 258(D) and 259 are hereby enacted to read as follows:

9 Art. 258. Electronic filing and recording of written instruments

10 A. Notwithstanding any provision of law to the contrary, a clerk of court, as
11 ex officio recorder, the Orleans Parish register of conveyances, or its successor, or
12 the Orleans Parish recorder of mortgages or its successor, hereinafter referred to as
13 "recorder," is authorized ~~but not required~~ to adopt and implement a published plan
14 which shall include a written contract between the clerk of court, the Orleans Parish
15 register of conveyances, or its successor, or the Orleans Parish recorder of
16 mortgages, or its successor, and the filer, which complies with the Louisiana
17 Uniform Electronic Transactions Act, R.S. 9:2601 et seq., and which provides for the
18 acceptance of an electronic record of any recordable written instrument except
19 original maps, plats, property descriptions, or photographs as related to the work of
20 a professional surveyor engaged in the "Practice of Land Surveying" as defined in
21 R.S. 37:682 for filing and recording submitted by any person, department, political
22 subdivision, agency, branch, entity, or instrumentality of Louisiana or of the federal
23 government or of a state-chartered or federally chartered financial institution insured
24 by the Federal Deposit Insurance Corporation or the National Credit Union
25 Administration. The filer of such an electronic record shall certify to the recorder
26 that the written instrument from which the electronic record is taken conforms to all
27 applicable laws relating to the form and content of instruments which are submitted
28 in writing.

29 * * *

1 D. On or before January 1, 2022, each clerk of court, including the
 2 Orleans Parish register of conveyances or its successor and the Orleans Parish
 3 recorder of mortgages or its successor, shall adopt and implement a plan for
 4 recording electronic documents in accordance with Paragraph A of this Article.

5 Art. 259. Redaction of certain personal information in filings and recordings

6 A. Except as otherwise required by law or court order, a pleading,
 7 motion, or other document filed or recorded with the clerk of court that
 8 includes a social security number, taxpayer identification number, financial
 9 account number, birth date, or the name of a person known to be a minor, shall
 10 specify only:

11 (1) The last four digits of the social security number, taxpayer
 12 identification number, or financial account number.

13 (2) The year of the person's birth.

14 (3) The initials of the minor.

15 B. The failure to comply with the provisions of this Article shall not
 16 affect the validity of what is filed or recorded, or provide a basis for the clerk
 17 of court to refuse to accept it.

18 C. The clerk of court shall not be liable for loss or damages resulting
 19 from the filing or recording of a pleading, motion or other document that fails
 20 to comply with the provisions of this Article.

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

SB 236 Engrossed

DIGEST
2017 Regular Session

LaFleur

Present law, relative to clerks of court, provides that the uniform filing fee that a recorder may charge for the filing and recordation of a multiple indebtedness mortgage executed in accordance with C.C. Art. 3298 is \$25, plus \$10 for each subsequent page, and \$5 for each name after the first name that is required to be indexed.

Proposed law provides that the uniform filing fee that a recorder may charge for the filing and recordation of a multiple indebtedness mortgage executed in accordance with C.C. Art. 3298 is as set forth in proposed law (R.S. 13:844).

Present law provides that for purposes of establishing the recordation fee, every multiple

indebtedness mortgage filed for recordation shall be captioned as a "multiple indebtedness mortgage" or "multiple obligations mortgage" on the first page, and shall have on the first page a margin of two inches at the top and one inch at the bottom and on each side, and all subsequent pages shall have a margin requirement of one inch on all sides. In addition, the type size shall be not less than eight point. Further, for any document not in compliance with these requirements there shall be an additional noncompliance fee of \$10 per document. Proposed law deletes present law.

Present law provides that recorders may charge the following fees:

- (1) For filing and recording any document, \$25 per book for the first page and \$10 for each subsequent page per book up to 10 pages. All documents that exceed 10 pages, \$25 for the first page and \$8 for each subsequent page.
- (2) For indexing of all documents filed for record for each name after the first name that is required to be indexed, \$5 per name.
- (3) For notarizing acknowledgments of acts executed under private signature, with seal and certificate, \$5.
- (4) For certificate of real estate mortgage and lien certificate with seal, for each name in which search is made, and for one definable property only, \$20 for the first name and \$10 for each additional name. There shall be an additional charge of \$1 per exception in the event that more than 10 exceptions are contained on a certificate.
- (5) For canceling real estate mortgage, with original note, \$10.
- (6) For making copies of all official documents, no more than \$2 per page.
- (7) For attesting any record or copy thereof, \$5.
- (8) For canceling of lien for paving or installation of sewerage system, \$10.

Proposed law provides that recorders shall charge the following fees for filing and recording documents:

- (1) For one to five page documents, \$100.
- (2) For six to 25 page documents, \$200.
- (3) For 26 to 50 page documents, \$300.
- (4) For documents in excess of 50 pages, \$300 for first 50 pages and \$10 for each subsequent page.
- (5) For indexing of all documents filed for record for each name after the tenth name that is required to be indexed, \$5 per name.
- (6) The above set forth fees (1) through (5) shall be inclusive of the following:
 - (a) Indexing of all documents filed for record for up to 10 names.
 - (b) One certified copy of the recorded document or e-certification of document.
- (7) Notwithstanding any other provision of law to the contrary, there shall be a fee of \$50 for the recordation of an act or affidavit to cancel a single mortgage, lien, or privilege.

- (8) If a document is to be recorded and filed in both the mortgage and conveyance records, the fees provided in proposed law shall be assessed separately for recording in the mortgage records and in the conveyance records.
- (9) Documents to be recorded may be either letter-size paper (8.5 x 11 inches) or legal-size paper (8.5 x 14 inches) and the recording fees set forth in proposed law shall be the same regardless of which size paper is used. For any other size paper, there shall be an additional fee of \$20 per page.
- (10) For notarizing acknowledgments of acts executed under private signature, with seal and certificate, \$10.
- (11) For certificate of real estate mortgage and lien certificate with seal, for each name in which search is made, and for one definable property only, \$20 for the first name and \$10 for each additional name. There shall be an additional charge of \$1 per exception in the event that more than 10 exceptions are contained on a certificate.
- (12) For canceling real estate mortgage, with original note, \$10.
- (13) For making copies of all official documents, no more than \$2 per page.
- (14) Except as otherwise provided in proposed law (R.S. 13:844(A)(1)(f)(ii)) for attesting any record or copy thereof, \$10. For a file-stamped conformed copy, \$5.

Proposed law defines "document" as those pages presented together for filing or recording, inclusive of the act, together with exhibits, riders, or additional documents attached thereto, including but not limited to powers of attorney, property description exhibits, tax certificates and researches, mortgage certificates, resolutions, certificates and surveys. Requires that every document filed for recordation shall be captioned as to type of act on the first page, and shall have on the first page a margin of two inches at the top and one inch at the bottom and sides. The type size shall not be less than eight point.

Present law provides that the funds derived by the clerk of court in the parish of Calcasieu from that portion of the fees collectable pursuant to present law above the amount of such fees collectable at the rates provided by R.S. 13:844 prior to the amendment thereof at the 1981 Regular Session of the Legislature shall be expended exclusively for the payment of salaries of deputy clerks of court in that parish. Proposed law deletes present law.

Present law provides that in addition to the above charges, the clerks of court as ex officio notaries public may make a reasonable charge for drawing deeds, mortgages, chattel mortgages, liens or other similar instruments. Proposed law retains present law.

Present law, for purposes of establishing the filing and recording fee, provides that every document filed for recordation shall be captioned as to type of act on the first page, and shall have on the first page a margin of two inches at the top, and one inch at the bottom and sides. The type size shall not be less than eight point. Provides that for any document not in compliance with these requirements, there shall be an additional \$10 noncompliance fee per document.

Present law provides that in addition to the fees otherwise provided in present law, the clerk of the 24th JDC for Jefferson Parish may demand and receive additional fees in an amount not to exceed 25% of the fees specified in present law, such funds so derived to be expended exclusively for the payment of salaries of deputy clerks of court in that parish. Proposed law deletes present law.

Present law authorizes the clerks of court and ex officio recorders and registers of conveyances and recorders of mortgages to make additional copies, by means of the microphotographic process, of all original acts and/or records thereof, including criminal

records, of every nature and kind in their custody by virtue of their various official capacities filed or recorded in their offices prior to July 29, 1964, and subsequent thereto. Proposed law authorizes them to make additional copies by any means authorized by proposed law; otherwise retains present law.

Present law authorizes such clerks of court and ex officio recorders and registers to purchase the necessary microphotographic equipment and equipment used to retrieve from storage microfilm copies, to lease such equipment or to contract with competent independent contractors, or both, according to their discretion, to cause the records described in this section to be copied and reproduced by means of the microphotographic process. Proposed law authorizes them to purchase the necessary equipment for photorecording, photocopying, microfilming, or electronic imaging, to lease such equipment or to contract with competent independent contractors, or both, according to the discretion of said clerks of court and ex officio recorders and registers, to cause such records to be copied and reproduced.

Present law authorizes each such clerk of court and ex officio recorder and register to defray the cost of copying, reproducing and retrieving the records described in this section, including the cost of microphotographic and retrieval equipment and services, out of any funds available in the clerk's salary fund. Proposed law authorizes each such clerk of court and ex officio recorder and register to defray the cost of copying, reproducing, and retrieving the records described in present law out of any funds available in the clerk's salary fund

Present law requires that the clerks of court, including the clerks of the Criminal or Civil District Courts for the parish of Orleans, make and retain in their custody, by means of the microphotographic process, a copy of all original criminal and civil records of every nature and kind, which are deemed permanent under a record retention and disposal schedule adopted by the secretary of state and the clerks of court in accordance with R.S. 44:410 and 411. Provides that the clerks of court may then destroy the original criminal records and any other records, the destruction of which is authorized by R.S. 13:917, which have been so copied and retained. However, all records in suits affecting records relating to immovable property, or adoption, interdiction, successions, trusts, or emancipation created prior to 1922 shall be retained in their original form.

Proposed law requires that prior to destroying the original criminal records and any other records of every nature and kind that are deemed permanent under a record retention and disposal schedule adopted by the secretary of state and the clerks of court in accordance with R.S. 44:410 and 411, the destruction of which is authorized by R.S. 13:917, the clerks of court, including the clerks of the Criminal or Civil District Courts for the parish of Orleans, make and retain in their custody a copy of such records electronically on non-rewritable magnetic, optical or laser type storage media, including but not limited to CD-ROM. Provides that no cause of action for any claim shall exist against a clerk of court for any damage or loss resulting from the destruction of an original record after proper preservation of the record in accordance herewith. However, all records in suits affecting records relating to immovable property, or adoption, interdiction, successions, trusts, or emancipation created prior to 1922 shall be retained in their original form.

Present law provides that in all cases where the clerks of court and recorders of the various parishes throughout the state, Orleans Parish excepted, are required by law to make records of filings, documents, pleadings, and all other written instruments, except indexes, and registers of the same, such records may be made by any method of photorecording, photocopying, microfilming, or other photographic method of reproduction or electronically on non-rewritable magnetic, optical, or laser type storage media, including but not limited to CD-ROM. However, the film stock used in making photographic or microphotographic copies and the processing of the copies shall comply with the standards of the American National Standard Institute for permanent record photographic microcopying film and the electronic media used shall comply with the standards of the International Standards Organization for electronic storage of records.

Proposed law specifically includes indexes and registers of the records; otherwise retains present law.

Present law provides that whenever recordation by means of photorecording, photocopying, microfilming, or other photographic method of reproduction is used or when electronic recordation on non-rewritable magnetic, optical, or laser type storage media is used, any requirement expressed or implied in law for the above-mentioned records, other than indexes and registers of the same, to be maintained in a book or bound volume shall be satisfied by the appropriate storage unit of microfilm or other photographic method employed, or tape or disk; however, the originals of conveyances, probate, mortgage, and other permanent records required by existing law to be kept for all time shall continue to be maintained in a book or bound volume and shall remain subject to examination and copying under the provisions of R.S. 44:31 et seq., and other applicable laws.

Proposed law specifically includes indexes and registers of the records and in lieu of maintaining the original of permanent records required to be kept for all time in a book or bound volume, if a clerk of court elects to record by means of microfilming or other photographic method of reproduction, or electronically, he shall have copies of the films, tapes, or disks available for inspection, examination, and copying under the provisions of R.S. 44:31 et seq., and other applicable laws.

Present law requires recorders to keep indexes, both direct and inverse, to all acts filed for record in their respective offices which indexes shall contain, in alphabetical order, references to the names of the parties to the acts, to the file number assigned on recordation to the day, month, and year in which they are recorded, and to the book and page in which they are recorded.

Proposed law retains present law and additionally requires that all recorders adopt and adhere to any indexing standards that have been promulgated by the Louisiana Clerks' Remote Access Authority.

Present law requires that the clerk of court and recorder only display the last four digits of the social security numbers listed on instruments that his office makes available for viewing on the Internet. Proposed law requires that the recorder only display the last four digits of the social security numbers or taxpayer identification numbers listed on instruments that his office makes available for viewing on the Internet.

Present law provides that a clerk of court, as ex officio recorder, the Orleans Parish register of conveyances, or its successor, or the Orleans Parish recorder of mortgages or its successor, hereinafter referred to as "recorder", is authorized but not required to adopt and implement a published plan which shall include a written contract between the clerk of court, the Orleans Parish register of conveyances, or its successor, or the Orleans Parish recorder of mortgages, or its successor, and the filer, which complies with the Louisiana Uniform Electronic Transactions Act, and which provides for the acceptance of an electronic record of any recordable written instrument except original maps, plats, property descriptions, or photographs as related to the work of a professional surveyor engaged in the "Practice of Land Surveying" as defined in R.S. 37:682 for filing and recording submitted by any person, department, political subdivision, agency, branch, entity, or instrumentality of Louisiana or of the federal government or of a state-chartered or federally chartered financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration. Requires that the filer of such an electronic record certify to the recorder that the written instrument from which the electronic record is taken conforms to all applicable laws relating to the form and content of instruments which are submitted in writing. Provides that immediately after acceptance of an electronic record for filing, the recorder shall endorse such record with the date, hour, and minute it is filed. An electronic filing received on a legal holiday or at any time other than during the normal business hours of the recorder shall be accepted for filing on the next business day by the same procedure followed when a paper document is received in the mail of the recorder at any time other than during normal

business hours. Provides that an electronic record shall be effective with respect to a third person from the time of its filing in the same manner as if the written instrument had been filed.

Proposed law requires that on or before January 1, 2022, each clerk of court, including the Orleans Parish register of conveyances or its successor and the Orleans Parish recorder of mortgages or its successor, adopt and implement a plan for recording electronic documents in accordance with proposed law.

Proposed law also provides except as otherwise required by law or court order, a pleading, motion, or other document filed or recorded with the clerk of court that includes a social security number, taxpayer-identification number, financial account number, birth date, or the name of a person known to be a minor, shall specify only:

- (1) The last four digits of the social security number, taxpayer identification number, or financial account number.
- (2) The year of the person's birth.
- (3) The initials of the minor.

Further provides that the failure to comply with the proposed law shall not affect the validity of what is filed or recorded, or provide a basis for the clerk of court to refuse to accept it. Also provides that the clerk of court shall not be liable for loss or damages resulting from the filing or recording of a pleading, motion or other document that fails to comply with the proposed law.

Effective August 1, 2017.

(Amends R.S. 9:5217, R.S. 13:844, R.S. 44:40(A), (B), (C), and (E), 116(A) and (B), and 161, C.C. Art. 3352(C), and C.C.P. Art. 258(A); adds C.C.P. Arts. 258(D) and 259)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Change page amounts from 20 to 25 pages subject to \$200 fee, and from 21 to 26 pages subject to \$300 fee.
2. Added proposed law relative to redaction of certain personal information in filings and recordings, and that clerk of court is not liable for loss or damages from a filing or recording in violation of proposed law.