

2022 Regular Session

HOUSE BILL NO. 164

BY REPRESENTATIVE PRESSLY

CIVIL/PROCEDURE: Provides relative to electronic filing of documents

1 AN ACT

2 To amend and reenact R.S. 13:850(A), relative to electronic filing and recording; to provide
3 relative to electronic filing received at certain times; to provide for the acceptance
4 at time of receipt; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:850(A) is hereby amended and reenacted to read as follows:

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

8 A. Any document in a civil action may be filed with the clerk of court by
9 facsimile transmission. All clerks of court shall make available for their use
10 equipment to accommodate facsimile filing in civil actions, and the clerks of court
11 shall not intentionally turn off or disconnect the equipment used to receive facsimile
12 filings. Filing shall be deemed complete ~~at the time the facsimile transmission is~~
13 ~~received by the clerk of court~~ on the date and time indicated on the clerk of court
14 facsimile transmission receipt. No later than on the first business day after receiving
15 a facsimile filing, the clerk of court shall transmit to the filing party via facsimile a
16 confirmation of receipt and include a statement of the fees for the facsimile filing
17 and filing of the original document. The facsimile filing fee and transmission fee are
18 incurred upon receipt of the facsimile filing by the clerk of court and payable as
19 provided in Subsection B of this Section. The facsimile filing shall have the same

1 force and effect as filing the original document, if the filing party complies with
2 Subsection B of this Section.

3 * * *

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)]

HB 164 Engrossed 2022 Regular Session Pressly

Abstract: Provides for electronic filing acceptance at the time filing was received.

Present law (R.S. 13:850) provides that any document in a civil action may be filed with the clerk of court by facsimile transmission and that filing is deemed complete at the time the facsimile transmission is received by the clerk of court.

Proposed law changes present law to provide that the equipment used to accept facsimile filings cannot be intentionally turned off or disconnected, and that filing shall be deemed complete on the date and time indicated on the clerk of court facsimile transmission receipt.

(Amends R.S. 13:850(A))

Summary of Amendments Adopted by House

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

1. Remove reference to C.C.P. Art. 258.
2. Provide that filing shall be deemed complete on the date and time indicated on the clerk of court facsimile transmission receipt.