

2024 Regular Session

HOUSE BILL NO. 380

BY REPRESENTATIVES ZERINGUE, GREEN, JACKSON, NEWELL, AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 13:754(A) through (D) and (F) and 850(A), Code of Civil
3 Procedure Article 253, and Code of Criminal Procedure Article 14.1 and to enact
4 Code of Criminal Procedure Article 14.2, relative to electronic filings; to provide
5 relative to the membership and duties of the Louisiana Clerks' Remote Access
6 Authority; to provide relative to electronic filing standards and requirements; to
7 provide relative to facsimile transmissions; to provide for contingent effectiveness;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:754(A) through (D) and (F) and 850(A) are hereby amended and
11 reenacted to read as follows:

12 §754. Louisiana Clerks' Remote Access Authority; membership; board of
13 commission; statewide portal

14 A. There is hereby created the Louisiana Clerks' Remote Access Authority
15 which shall be referred to as ~~the~~ "LCRAA".

16 B. ~~The~~ LCRAA shall provide for infrastructure, governance, standard
17 operating procedures, technology, maintenance, and training to support a statewide
18 portal with a universal interface for secure remote access by internet users to certain
19 records maintained by LCRAA members, ~~and~~ LCRAA shall provide assistance to
20 LCRAA members in procuring, implementing, enhancing, and maintaining
21 equipment, supplies, and services related to technology to facilitate electronic
22 transactions and communications and to disseminate information to the public, to
23 facilitate the operations of any member during any declared emergency, and to
24 provide for document preservation. Every district clerk of court shall facilitate

1 electronic filing, recording, and remote access through the LCRAA portal by January
 2 1, 2026. LCRAA shall work with the district clerks of court to achieve the goal of
 3 electronic filing, recording, and remote access through the universal interface on the
 4 statewide portal maintained by LCRAA.

5 C.(1) ~~The LCRAA shall be composed of members who are district clerks of~~
 6 ~~court to provide the LCRAA with secure remote access to indices of certain records~~
 7 ~~maintained by each district clerk of court. LCRAA shall adopt rules permitting~~
 8 ~~additional district clerks of court to enroll as members of LCRAA on a schedule~~
 9 ~~which shall include at least one enrollment period per fiscal year. Every district~~
 10 ~~clerk of court shall become a member of LCRAA by July 1, 2020. LCRAA shall~~
 11 ~~provide the legislature, prior to the convening of the 2020 Regular Session, with a~~
 12 ~~written progress report that includes a list of participating clerks of court by parish~~
 13 ~~and a list of clerks of court by parish not yet participating, an overview of the~~
 14 ~~information currently available through LCRAA, and information on the availability~~
 15 ~~of online records of each clerk of court by parish.~~

16 ~~D.(1)~~ (2) The LCRAA shall be governed by a ~~seven-member~~ six-member
 17 board of commissioners, referred to in this Section as the "board", and consists of the
 18 following members:

19 (a) Five commissioners to be elected by the LCRAA from the LCRAA
 20 membership.

21 (b) ~~One commissioner to be designated by the Louisiana Bankers~~
 22 ~~Association (LBA).~~

23 (c) One commissioner to be designated by the Louisiana Land Title
 24 Association (LLTA) or the Louisiana Association of Independent Land Title Agents
 25 (LAILTA). The commissioners from each association shall serve for a one-year
 26 term, alternating between the two associations. The designee of the LAILTA shall
 27 serve as the initial commissioner with the term beginning July 1, 2014, and ending
 28 June 30, 2015. The term for the designee of the LLTA shall begin on July 1, 2015,
 29 and end on June 30, 2016.

1 ~~(2)~~ (3)(a) Board members elected by the LCRAA and elected by the LBA
2 shall serve two-year terms. The initial term shall begin on July 1, 2014, and shall
3 end on June 30, 2016.

4 (b) Board members shall be eligible for election to succeeding terms without
5 limit.

6 (c) Any expired term or vacancy on the board of LCRAA shall be filled in
7 the same manner as the original appointment.

8 ~~(3)~~ (4) The board shall elect from its members a chair, a vice chair, a
9 secretary, a treasurer, and such other officers as it may deem necessary. The duties
10 of the officers shall be fixed by the by-laws adopted by LCRAA.

11 ~~(4)~~ (5) The members of the board shall serve without compensation but shall
12 be reimbursed for their reasonable expenses directly related to the governance of
13 LCRAA.

14 ~~(5)~~ (6) The domicile of LCRAA shall be in East Baton Rouge Parish.

15 D. Every clerk of court shall provide the following information to LCRAA,
16 which shall be compiled by LCRRA and submitted to the legislature no later than
17 January 1, 2025:

18 (1) The case management system or docket system software and software
19 vendor used by each parish clerk of court.

20 (2) The number and percentage of remote electronic filings and physical
21 filings of pleadings converted to electronic image by each parish clerk of court.

22 (3) The capability of the case management system or docket system of each
23 parish clerk of court to accept electronic signatures by judges and the extent of the
24 use of electronic signature systems by judges of the court.

25 (4) The costs charged by each clerk of court to persons for electronic filing
26 of civil and criminal pleadings and the amounts charged to access, view, and
27 download images of pleadings via an electronic case management system or docket
28 system.

29 (5) The costs charged by each clerk of court for electronic recording of
30 documents effecting land titles.

1 (6) The cost charged by each clerk of court to access, view, or obtain copies
2 of electronic images or paper copies of electronic images of documents in the land
3 title database.

4 * * *

5 F.(1) Beginning September 1, 2014, members of LCRAA shall collect a fee
6 of five dollars per recording of which no more than three dollars shall be remitted to
7 the LCRAA and ~~two dollars~~ the remainder shall be retained by the member to fund
8 costs related to participation in the statewide portal, including but not limited to
9 acquiring hardware and software and providing document preservation. The fees
10 shall be remitted to LCRAA by the tenth day of the month following collection.
11 LCRAA shall use the fees received solely for the purposes set forth in this
12 ~~Subsection~~ Section.

13 (2) Any user fee received by LCRAA shall be used for administering and
14 maintaining the statewide portal and a ~~prorated~~ share, as determined by LCRAA,
15 may be paid to members ~~based upon the public access to the records provided by the~~
16 ~~member.~~

17 ~~(3) If the statewide portal is not operational by August 31, 2017, the~~
18 ~~additional five dollar fee shall cease to be collected.~~

19 * * *

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

21 A. ~~Any~~ Until January 1, 2026, any document in a civil action may be filed
22 with the clerk of court by facsimile transmission. All clerks of court shall make
23 available for their use equipment to accommodate facsimile filing in civil actions,
24 and the clerks of court shall not intentionally turn off or disconnect the equipment
25 used to receive facsimile filings. Filing shall be deemed complete on the date and
26 time indicated on the clerk of court facsimile transmission receipt. No later than on
27 the first business day after receiving a facsimile filing, the clerk of court shall
28 transmit to the filing party via facsimile a confirmation of receipt and include a
29 statement of the fees for the facsimile filing and filing of the original document. The
30 facsimile filing fee and transmission fee are incurred upon receipt of the facsimile

1 filing by the clerk of court and payable as provided in Subsection B of this Section.
 2 The facsimile filing shall have the same force and effect as filing the original
 3 document, if the filing party complies with Subsection B of this Section.

4 * * *

5 Section 2. Code of Civil Procedure Article 253(B) and (D) are hereby amended and
 6 reenacted and Code of Civil Procedure Article 253(I) is hereby enacted to read as follows:

7 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

8 * * *

9 ~~B. The filings as provided in Paragraph A of this Article and all other~~
 10 ~~provisions of this Chapter may be transmitted electronically in accordance with a~~
 11 ~~system established by a clerk of court or by Louisiana Clerks' Remote Access~~
 12 ~~Authority.~~ B. On and after January 1, 2026, all filings as provided in Paragraph A
 13 of this Article and all other provisions of this Chapter filed by an attorney shall be
 14 transmitted electronically through the system selected by the filing attorney. The
 15 filing shall be made in accordance with the system established by a clerk of court or
 16 by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
 17 ensuring private information is not included in filings. No filing shall include the
 18 first five digits of any social security number, tax identification numbers, state
 19 identification numbers, driver's license numbers, financial account numbers, full
 20 dates of birth, or any information protected from disclosure by state or federal law.

21 When such a system is established, the clerk of court shall adopt and implement
 22 procedures for the electronic filing and storage of any pleading, document, or
 23 exhibit, and the official record shall be the electronic record. A pleading or
 24 document filed electronically is deemed filed on the date and time stated on the
 25 confirmation of electronic filing sent from the system, if the clerk of court accepts
 26 the electronic filing. Public access to electronically filed pleadings and documents
 27 shall be in accordance with the rules governing access to paper filings. The clerk of
 28 court may convert into an electronic record any pleading, document, or exhibit as set

1 forth in R.S. 44:116. ~~The originals of conveyances shall be preserved by the clerk~~
2 ~~of court.~~

3 * * *

4 D. ~~Any~~ Until January 1, 2026, any pleading or document in a traffic or
5 criminal action may be filed with the court by facsimile transmission in compliance
6 with the provision of the Code of Criminal Procedure Article 14.1.

7 * * *

8 I. Upon adoption of uniform filing standards by the LCRAA, no clerk of
9 court shall accept a filing not in accordance with said standards.

10 * * *

11 Section 3. Code of Criminal Procedure Article 14.1(A) and (F) are hereby amended
12 and reenacted and Code of Criminal Procedure Article 14.1(G) is hereby enacted to read as
13 follows:

14 Art. 14.1. Filing of pleadings and documents by facsimile or electronic transmission

15 A. ~~Any~~ Until January 1, 2026, any document in a traffic or criminal action
16 may be filed with the clerk of court by facsimile transmission if permitted by the
17 policy of the clerk of court. Filing shall be deemed complete at the time the
18 facsimile transmission is received by the clerk of court. No later than on the first
19 business day after receiving a facsimile filing, the clerk of court shall transmit to the
20 filing party via facsimile a confirmation of receipt and include a statement of the fees
21 for the facsimile filing and filing of the original document. The facsimile filing fee
22 and transmission fee are incurred upon receipt of the facsimile filing by the clerk of
23 court and payable as provided in Paragraph B of this Article. The facsimile filing
24 shall have the same force and effect as filing the original document, if the party
25 complies with Paragraph B of this Article.

26 * * *

27 F. Upon adoption of uniform filing standards by the LCRAA, no clerk of
28 court shall accept a filing not in accordance with the standards adopted by the
29 LCRAA.

1 F. ~~The~~ G. Beginning January 1, 2026, all filings as provided in this Article
 2 and all other provisions of this Code ~~may~~ filed by an attorney shall be transmitted
 3 electronically through the system selected by the filing attorney. The filing shall be
 4 made in accordance with a the system established by a clerk of court or by the
 5 Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
 6 ensuring private information is not included in filings. No filing shall include the
 7 first five digits of any social security number, tax identification numbers, state
 8 identification numbers, driver's license numbers, financial account numbers, full
 9 dates of birth, or any information protected from disclosure by state or federal law.
 10 When such a system is established, the clerk of court shall adopt and implement
 11 procedures for the electronic filing and storage of any pleading, document, or
 12 exhibit. Furthermore, in a parish that accepts electronic filings covered under this
 13 Paragraph, the official record shall be the electronic record. A pleading or document
 14 filed electronically is deemed filed on the date and time stated on the confirmation
 15 of electronic filing sent from the system, if the clerk of court accepts the electronic
 16 filing. Public access to electronically filed pleadings and documents shall be in
 17 accordance with the rules governing access to written filings.

18 Section 4. Code of Civil Procedure Article 253 is hereby amended and reenacted to
 19 read as follows:

20 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

21 A. All pleadings or documents to be filed in an action or proceeding
 22 instituted or pending in a court, and all exhibits introduced in evidence, shall be
 23 delivered or transmitted to the clerk of the court for ~~such~~ that purpose. The clerk of
 24 court shall endorse thereon the fact and date of filing; and shall retain possession
 25 thereof for inclusion in the record, or in the files of ~~his~~ the clerk's office, as required
 26 by law. The endorsement of the fact and date of filing shall be made upon receipt of
 27 the pleadings or documents by the clerk of court and shall be made without regard
 28 to whether there are orders in connection therewith to be signed by the court.

29 B.(1) The filings as provided in Paragraph A of this Article and all other
 30 provisions of this Chapter may be transmitted electronically in accordance with a

1 system established by a the clerk of court, ~~or by Louisiana Clerks' Remote Access~~
2 ~~Authority. When such a system is established, the~~ The clerk of court shall adopt and
3 ~~implement procedures~~ a system for the electronic filing and storage of any pleading,
4 document, or exhibit, ~~and the official record shall be the electronic record~~ filed with
5 a pleading. A pleading or document filed electronically is deemed filed on the date
6 and time stated on the confirmation of electronic filing sent from the system, if the
7 clerk of court accepts the electronic filing. Public access to electronically filed
8 pleadings and documents shall be in accordance with the rules governing access to
9 paper filings. ~~The clerk of court may convert into an electronic record any pleading,~~
10 ~~document, or exhibit as set forth in R.S. 44:116. The originals of conveyances shall~~
11 ~~be preserved by the clerk of court.~~

12 (2) On and after January 1, 2026, all filings as provided in Paragraph A of
13 this Article and all other provisions of this Chapter filed by an attorney shall be
14 transmitted electronically in accordance with a system established by a clerk of court
15 or by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
16 ensuring private information is not included in filings. No filing shall include the
17 first five digits of any social security number, tax identification numbers, state
18 identification numbers, driver's license numbers, financial account numbers, full
19 dates of birth, or any information protected from disclosure by state or federal law.
20 The clerk of court shall adopt a system for the electronic filing and storage of any
21 pleading, document, or exhibit filed with a pleading. A pleading or document filed
22 electronically is deemed filed on the date and time stated on the confirmation of
23 electronic filing sent from the system, if the clerk of court accepts the electronic
24 filing. Public access to electronically filed pleadings and documents shall be in
25 accordance with the rules governing access to paper filings.

26 C. The clerk of court may convert into an electronic record any pleading,
27 document, or exhibit that is filed in paper form. If requested by the filing party, the
28 clerk of court shall return to the filing party the original of any document or exhibit
29 that has been converted into an electronic record.

1 D. The official record shall be the electronic record. The original of any filed
2 document or exhibit shall be maintained by the filing party during the pendency of
3 the proceeding and until the judgment becomes final and definitive, unless otherwise
4 provided by law or order of the court. Upon request and reasonable notice, the
5 original document or exhibit shall be produced to the court. Upon reasonable notice,
6 the original document or exhibit shall be made available to the opposing party for
7 inspection.

8 E. Unless otherwise directed by the court, the original of all documents and
9 exhibits introduced or proffered into evidence, submitted with a petition for
10 executory process, or filed in a summary judgment proceeding shall be retained by
11 the clerk of court until the order or judgment becomes final and definitive.

12 F. A judge or justice presiding over a court in this state may sign a court
13 order, notice, official court document, and other writings required to be executed in
14 connection with court proceedings by use of an electronic signature as defined by
15 R.S. 9:2602.

16 ~~D. Any pleading or document in a traffic or criminal action may be filed with~~
17 ~~the court by facsimile transmission in compliance with the provision of the Code of~~
18 ~~Criminal Procedure Article 14.1.~~

19 ~~E. The clerk shall not refuse to accept for filing any pleading or other~~
20 ~~document signed by electronic signature, as defined by R.S. 9:2602, and executed~~
21 ~~in connection with court proceedings, or which complies with the procedures for~~
22 ~~electronic filing implemented pursuant to this Article, if any applicable fees for filing~~
23 ~~and transmission are paid, solely on the ground that it was signed by electronic~~
24 ~~signature.~~

25 F. G. If the filing party fails to comply with any requirement of the
26 requirements of Paragraph (A) or (B)(1) of this Article, the electronic filing shall
27 have no force or effect. The district courts A court may provide by court rule for
28 other matters related to filings by electronic transmission.

29 ~~G. H.~~ H. The clerk of court may procure equipment, services, and supplies
30 necessary to accommodate electronic filings out of the clerk's salary fund.

1 H. I. All electronic filings shall include an electronic signature. For the
 2 purpose of this Article, "electronic signature" means an electronic symbol or process
 3 attached to or logically associated with a record and executed or adopted by a person
 4 with the intent to sign the record.

5 J. The clerk of court shall not refuse to accept for filing any pleading or other
 6 document that is signed by electronic signature and executed in connection with
 7 court proceedings, or that complies with the procedures for electronic filing
 8 implemented pursuant to this Article, solely on the ground that the pleading or
 9 document was signed by electronic signature.

10 K. Upon adoption of uniform filing standards by the LCRAA, no clerk of
 11 court shall accept a filing not in accordance with the adopted standards.

12 Section 5. Code of Criminal Procedure Article 14.1 is hereby amended and reenacted
 13 and Code of Criminal Procedure Article 14.2 is hereby enacted to read as follows:

14 ~~Art. 14.1. Filing of pleadings and documents by facsimile or electronic transmission~~

15 Electronic filings

16 A. Until January 1, 2026, any document in a traffic or criminal action may
 17 be transmitted electronically in accordance with a system established by the clerk of
 18 court. The clerk of court shall adopt a system for the electronic filing and storage of
 19 any pleading, document, or exhibit other than those documents or exhibits introduced
 20 and filed at a hearing or trial. Furthermore, in a court that accepts electronic filings
 21 in accordance with this Paragraph, the official record shall be the electronic record.
 22 A pleading or document filed electronically is deemed filed on the date and time
 23 stated on the confirmation of electronic filing sent from the system, if the clerk of
 24 court accepts the electronic filing. Public access to electronically filed pleadings and
 25 documents shall be in accordance with the rules governing access to written filings.

26 B. Beginning January 1, 2026, all filings as provided in this Article and all
 27 other provisions of this Code filed by an attorney shall be transmitted electronically
 28 in accordance with a system established by a clerk of court or by the Louisiana
 29 Clerks' Remote Access Authority. The filer shall be responsible for ensuring private
 30 information is not included in filings. No filing shall include the first five digits of

1 any social security number, tax identification numbers, state identification numbers,
 2 driver's license numbers, financial account numbers, full dates of birth, or any
 3 information protected from disclosure by state or federal law. The clerk of court shall
 4 adopt a system for the electronic filing and storage of any pleading, document, or
 5 exhibit other than those documents or exhibits introduced and filed at a hearing or
 6 trial. Furthermore, in a court that accepts electronic filings in accordance with this
 7 Paragraph, the official record shall be the electronic record. A pleading or document
 8 filed electronically is deemed filed on the date and time stated on the confirmation
 9 of electronic filing sent from the system, if the clerk of court accepts the electronic
 10 filing. Public access to electronically filed pleadings and documents shall be in
 11 accordance with the rules governing access to written filings.

12 C. Upon adoption of uniform filing standards by the LCRAA, no clerk of
 13 court shall accept a filing not in accordance with the adopted standards.

14 Art. 14.2. Facsimile filings

15 A. ~~Any~~ Until January 1, 2026, any document in a traffic or criminal action
 16 may be filed with the clerk of court by facsimile transmission ~~if permitted by~~
 17 pursuant to the policy of the clerk of court. Filing shall be deemed complete at the
 18 time the facsimile transmission is received by the clerk of court. No later than on the
 19 first business day after receiving a facsimile filing, the clerk of court shall transmit
 20 to the filing party via facsimile a confirmation of receipt and include a statement of
 21 the fees for the facsimile filing and filing of the original document. The facsimile
 22 filing fee and transmission fee are incurred upon receipt of the facsimile filing by the
 23 clerk of court and payable as provided in Paragraph B of this Article. The facsimile
 24 filing shall have the same force and effect as filing the original document, if the party
 25 complies with Paragraph B of this Article.

26 B. Within seven days, exclusive of legal holidays, after the clerk of court
 27 receives the facsimile filing, all of the following shall be delivered to the clerk of
 28 court:

- 29 (1) The original document identical to the facsimile filing in number of
 30 pages and in content of each page₂ including any attachments, exhibits, and orders.

1 A document that is not identical to the facsimile filing or ~~which~~ that includes pages
 2 not included in the facsimile filing shall not be considered the original document.

3 (2) The fees for the facsimile filing and filing of the original document stated
 4 on the confirmation of receipt, if any.

5 (3) A transmission fee of five dollars, if the defendant ~~had~~ has not been
 6 declared indigent by the court.

7 C. If the filing party fails to comply with any of the requirements of
 8 Paragraph B of this Article, the facsimile filing shall have no force or effect.

9 D. ~~Any~~ A court ~~district~~ may provide by court rule for any additional
 10 requirement or provisions for filings by facsimile transmission.

11 E. In keeping with the clerk's policy, each clerk of court shall make available
 12 the necessary equipment and supplies to accommodate facsimile filing in criminal
 13 actions. Purchases for equipment and supplies necessary to accommodate facsimile
 14 filings may be funded from any expense fund of the office of the clerk of court as the
 15 clerks deem appropriate.

16 F. Upon adoption of uniform filing standards by the LCRAA, no clerk of
 17 court shall accept a filing not in accordance with the adopted standards.

18 ~~F. The filings as provided in this Article and all other provisions of this Code~~
 19 ~~may be transmitted electronically in accordance with a system established by a clerk~~
 20 ~~of court or by the Louisiana Clerks' Remote Access Authority. When such a system~~
 21 ~~is established, the clerk of court shall adopt and implement procedures for the~~
 22 ~~electronic filing and storage of any pleading, document, or exhibit. Furthermore, in~~
 23 ~~a parish that accepts electronic filings covered under this Paragraph, the official~~
 24 ~~record shall be the electronic record. A pleading or document filed electronically is~~
 25 ~~deemed filed on the date and time stated on the confirmation of electronic filing sent~~
 26 ~~from the system, if the clerk of court accepts the electronic filing. Public access to~~
 27 ~~electronically filed pleadings and documents shall be in accordance with the rules~~
 28 ~~governing access to written filings.~~

29 Section 6.(A) Sections 2 and 3 of this Act shall become effective only if Senate Bill
 30 No. 75 of the 2024 Regular Session is not enacted and does not become law.

1 (B) Sections 4 and 5 of this Act shall become effective only if Senate Bill No. 75 of
2 the 2024 Regular Session is enacted and becomes law. If Senate Bill No. 75 of the 2024
3 Regular Session is enacted and becomes law, then the provisions of Sections 4 and 5 of this
4 Act supersede and control to the extent of any conflict between this Act and the Act that
5 originated as Senate Bill No. 75 of the 2024 Regular Session.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____