

Regular Session, 2014

SENATE BILL NO. 606

BY SENATOR MARTINY

COURTS. Provides for the use of electronic signatures by judges and justices. (8/1/14)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 253(C) and 1911 and R.S.
3 9:2603(B)(4) and to enact Code of Civil Procedure Article 253(D), relative to court
4 procedures; to provide relative to the use of electronic signatures by the court; to
5 provide certain procedures, terms, and conditions; to provide relative to certain
6 documents, orders and judgments; to provide relative to Louisiana Uniform
7 Electronic Transactions Act; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Civil Procedure Articles 253(C) and 1911 are hereby amended
10 and reenacted and Code of Civil Procedure Article 253(D) is hereby enacted to read as
11 follows:

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

13 * * *

14 C. A judge or justice presiding over a court in this state may sign a court
15 order, notice, official court document, and other writings required to be
16 executed in connection with court proceedings, by use of an electronic signature
17 as defined by R.S. 9:2602. The various courts shall provide by court rule for the

1 method of electronic signature to be used and to ensure the authenticity of the
2 electronic signature.

3 **D.** Any pleading or document in a traffic or criminal action may be filed with
4 the court by facsimile transmission in compliance with the provision of the Code of
5 Criminal Procedure Article 14.1.

6 * * *

7 Art. 1911. Final judgment; partial final judgment; signing; appeals

8 Except as otherwise provided by law, every final judgment shall be signed
9 by the judge. **Judgments may be signed by the judge by use of electronic**
10 **signature. The various courts shall provide by court rule for the method of**
11 **electronic signature to be used and to ensure the authenticity of the electronic**
12 **signature.** For the purpose of an appeal as provided in Article 2083, no appeal may
13 be taken from a final judgment until the requirement of this Article has been
14 fulfilled. No appeal may be taken from a partial final judgment under Article
15 1915(B) until the judgment has been designated a final judgment under Article
16 1915(B). An appeal may be taken from a final judgment under Article 1915(A)
17 without the judgment being so designated.

18 Section 2. R.S. 9:2603(B)(4) is hereby amended and reenacted to read as follows:

19 §2603. Scope

20 * * *

21 B. This Chapter shall not apply to:

22 * * *

23 (4)(a) A law governing adoption, divorce, or other matters of family law.

24 (b) ~~Court orders or notices, or official court documents, including briefs,~~
25 ~~pleadings, and other writings, required to be executed in connection with court~~
26 ~~proceedings, except as otherwise provided by law.~~

27 (c) Any notice of:

28 (i) The cancellation or termination of utility services, including water, heat,
29 and power.

1 (ii) Default, acceleration, repossession, foreclosure, or eviction, or the right
2 to cure, under a credit agreement secured by, or a rental agreement for, a primary
3 residence of an individual.

4 (iii) The cancellation or termination of health insurance or benefits or life
5 insurance benefits, excluding annuities.

6 (iv) Recall of a product, or material failure of a product, that risks
7 endangering health or safety.

8 ~~(c)~~**(c)** Any document required to accompany any transportation or handling
9 of hazardous materials, pesticides, or other toxic or dangerous materials.

10 ~~(d)~~**(d)** Publications required by law to be published in the official journals
11 provided for in Chapter 2, 4, or 5 of Title 43 of the Louisiana Revised Statutes of
12 1950.

13 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Angela L. De Jean.

DIGEST

Martiny (SB 606)

Present law provides that all pleadings or documents to be filed in an action or proceeding instituted or pending in a court, and all exhibits introduced in evidence, shall be delivered to the clerk of the court for such purpose. The clerk shall endorse thereon the fact and date of filing, and shall retain possession thereof for inclusion in the record, or in the files of his office, as required by law. The endorsement of the fact and date of filing shall be made upon receipt of the pleadings or documents by the clerk and shall be made without regard to whether there are orders in connection therewith to be signed by the court.

Present law provides that the filings provided in present law may be transmitted electronically in accordance with a system established by a clerk of court.

Present law provides that when a clerk of court establishes such a system, he shall adopt and implement procedures for the electronic filing and storage of any pleading, document, or exhibit. The official record shall be the electronic record.

Present law provides that a pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the clerk of court. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to written filings.

Proposed law retains present law and adds that a judge or justice presiding over a court in this state may sign court orders, notices, official court documents, and other writings, required to be executed in connection with court proceedings, by use of an electronic signature as defined by present law.

Proposed law also provides that the various courts shall provide by court rule for the method of electronic signature to be used and to ensure the authenticity of the electronic signature.

Present law provides that except as otherwise provided by law, every final judgment shall be signed by the judge.

Proposed law provides that judgments may be signed by the judge by use of electronic signature.

Proposed law provides that the various courts shall provide by court rule for the method of electronic signature to be used and to ensure the authenticity of the electronic signature.

Present law in the Louisiana Uniform Electronic Transactions Act provides that present law shall not apply to certain matters, including court orders or notices, or official court documents, including briefs, pleadings, and other writings, required to be executed in connection with court proceedings, except as otherwise provided by present law.

Proposed law deletes present law prohibiting electronic signatures relating to court orders or notices, or official court documents, including briefs, pleadings, and other writings, required to be executed in connection with court proceedings.

Effective August 1, 2014.

(Amends C.C.P. Arts. 253(C) and 1911 and R.S. 9:2603(B)(4); adds C.C.P. Arts. 253(D))