

New law creates the Louisiana Clerks' Remote Access Authority (LCRAA) for the purpose of providing infrastructure, governance, standard operating procedures, technology, and training to support a statewide portal for secure remote access of certain records maintained by LCRAA members to Internet users and for document preservation.

New law provides for the membership of the authority to be composed of district clerks of court who enroll on or before Sept. 1, 2014, and provides the LCRAA with secure remote access to their indices and electronic images of certain records. New law further provides for the adoption of rules permitting additional clerks of court to enroll as members on a schedule which should include at least one enrollment period per fiscal year.

New law provides for a seven-member board of commissioners, consisting of the following members: five commissioners to be elected by the LCRAA from the LCRAA membership; one commissioner to be designated by the Louisiana Bankers Association (LBA); and one commissioner to be designated by the Louisiana Land Title Association (LLTA) or the Louisiana Association of Independent Land Title Agents (LAILTA).

New law provides that the commissioner from each association will serve for a one-year term, alternating between the two associations, with the designee of the LAILTA to serve as the initial commissioner with the term beginning July 1, 2014, and ending June 30, 2015. The term for the designee of the LLTA will begin on July 1, 2015, and end on June 30, 2016.

New law requires that members elected by the LCRAA and elected by the LBA shall serve two-year terms.

New law requires that any expired term or vacancy on the board of LCRAA be filled in the same manner as the original appointment.

New law provides for the domicile of the authority to be East Baton Rouge Parish.

New law provides for certain powers and duties of the LCRAA.

New law requires the collection of a \$5 fee per recording, of which \$3 shall be remitted to the LCRAA and \$2 to be retained by the member to fund certain costs related to the statewide portal and requires such fees to be remitted to the LCRAA by the 10th day of each month following collection. A pro rata share of the fees may be paid to the members by the LCRAA based upon public access.

New law provides for the elimination of the \$5 fee in the event the statewide portal is not operational by Aug. 31, 2017.

New law provides for immunity for the LCRAA from suits arising from any acts or omissions related to providing remote access unless the LCRAA was grossly negligent or engaged in willful misconduct.

New law prohibits the sale or posting of any records accessed through the statewide portal on any public or private website or in any way redistributed to any third party by a user and authorizes the LCRAA to deny remote access when necessary to ensure compliance.

New law provides that data from records accessed by secure remote access may be included in products or services provided to a third party provided compliance with the following:

- (1) Records used to compile the data are not made available to the general public.
- (2) The third party maintains administrative, technical, and security safeguards to protect integrity and limited access of the records.
- (3) The third party discloses that he is not the official custodian of the records used to compile the data.

New law provides for indemnification for the board members, officers, and employees and provides for exceptions.

Effective upon signature of governor (June 23, 2014).

(Adds R.S. 13:754)