

GREEN SHEET REDIGEST

HB 876

2016 Regular Session

Leger

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

SECRETARY OF STATE. Provides for certain commercial filings to be submitted electronically

DIGEST

Present law defines "digital signature". Proposed law deletes present law.

Present law provides for certain requirements for persons making in-person filings with the secretary of state. Proposed law deletes present law.

Proposed law provides that the secretary of state may accept filings as required in present law by means of electronic, online, or facsimile transmission. Proposed law specifies relative to certain filings required pursuant to present law, if a document is required to be filed or recorded with another entity or official, the online filing with the secretary of state shall not satisfy that requirement.

Proposed law provides that all online filings are required to include an electronic signature.

Proposed law provides that "online" means a filing made through the secretary of state's commercial online computer system.

Proposed law provides for filing by facsimile. Provides that printed documents transmitted through an electronic method to the secretary of state are deemed properly signed when the document received by a facsimile machine or document image attachment in email by the commercial division, office of the secretary of state, purports to be a copy of the original document and contains the signatures required in proposed law.

Proposed law provides for online filing. The secretary of state is authorized to implement and establish procedures and systems for secure online form filing for the filing of any instrument required to be filed with the secretary of state pursuant to the provisions of present law.

Proposed law provides that any provision that requires an instrument filed with the secretary of state to be subscribed or acknowledged before a notary public may be dispensed with if the instrument is filed online and signed electronically.

Proposed law provides that for any filing provided for in present law, if the secretary of state has the capability to accept the filing online, it shall be filed online.

Proposed law further specifies, that until the secretary of state has the capability to accept filings online, any filing with the secretary of state pursuant to certain provisions of present law which has the effect of changing the name of a designated or registered agent or changing the name of a principal officer of the corporation shall be accompanied by a resolution signed by each member of the corporation's board of directors in order for the change to be deemed validly filed.

Proposed law provides that any filing filed by an individual from a parish with a population of 100,000 or less according to the latest federal decennial census may be filed by facsimile transmission or mail.

Proposed law provides for an effective date of January 1, 2018.

(Amends R.S. 9:3402(B), R.S. 12:1-120(D) and (J) and 1701(A), (C), and (D); Adds R.S. 9:3402(D), R.S. 12:1-120(M), R.S. 45:1364.1, and R.S. 51:195)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Specify that if a document is required by law (Title 9) to be filed with any other entity or official, the filing of the document with the secretary of state shall not satisfy that requirement.
2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Relative to filings pursuant to Titles 9 and 12 until the secretary of state has the capability to accept filings online, require any filing with the secretary of state which has the effect of changing the name of a designated or registered agent or changing the name of a principal officer of the corporation to be accompanied by a resolution signed by each member of the corporation's board of directors in order for the change to be deemed validly filed.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the engrossed bill

1. Adds that an individual from a parish of 100,000 or less may file by facsimile or mail.
2. Adds an effective date of January 1, 2018.