

RÉSUMÉ DIGEST

ACT 554 (HB 876)

2016 Regular Session

Leger

Existing law requires certain documents to be filed with the secretary of state. New law requires the online filing of those documents in the manner provided below.

New law authorizes the secretary of state 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 existing law (Titles 9 and 51).

Prior law defined "digital signature". New law removes the definition and the requirement that electronic filings include either an electronic or digital signature and instead requires all online filings to include an electronic signature.

New law provides that the secretary of state may accept filings as required in existing law by means of online transmission. New law defines "online" as through the secretary of state's commercial online computer system. New law specifies relative to certain filings required pursuant to existing law (Title 9), 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.

Prior law provided certain requirements for persons making in-person filings with the secretary of state pursuant to existing law (Title 12). New law removes the provisions relative to in-person filings.

New law provides for filing by facsimile of documents required to be filed by existing law (Titles 45 and 51). 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 new law. New 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.

New law provides that for any filing provided for in existing law (Titles 9, 12, 45, and 51), if the secretary of state has the capability to accept the filing online, it shall be filed online. However, new law additionally 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.

New 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 existing law (Titles 9 and 12) 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.

Effective 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)