

2020 Regular Session

SENATE BILL NO. 140

BY SENATOR REESE

INTERNET. Requires certain offices to report cyber incidents to secretary of state. (8/1/20)

1 AN ACT

2 To enact R.S. 10:9-528 and R.S. 18:58(D) and 429, relative to the secretary of state; to
3 provide for notification of cyber incidents by certain offices to the secretary of state;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 10:9-528 is hereby enacted to read as follows:

7 **§9-528. Notification by filing office of cyber incidents**

8 **A. The filing office, as provided by R.S. 10:9-501(a)(4), shall notify the**
9 **secretary of state, or his designee, by telephone, electronic mail, or facsimile**
10 **within twenty-four hours following the discovery of a cyber incident that**
11 **impacts the filing office, including but not limited to a computer system**
12 **maintained by the secretary of state.**

13 **B. As used in Subsection A of this Section, "cyber incident" means an**
14 **event that may jeopardize the confidentiality, integrity, or availability of digital**
15 **information or information systems.**

16 Section 2. R.S. 18:58(D) and 429 are hereby enacted to read as follows:

17 §58. Powers and duties of registrars

* * *

D.(1) The registrar shall notify the secretary of state, or his designee, by telephone, electronic mail, or facsimile within twenty-four hours following the discovery of a cyber incident that impacts the office of the registrar, including but not limited to a computer system maintained by the secretary of state.

(2) As used in this Subsection, "cyber incident" means an event that may jeopardize the confidentiality, integrity, or availability of digital information or information systems.

* * *

§429. Clerk of court; notification of cyber incidents

A. The clerk of court shall notify the secretary of state, or his designee, by telephone, electronic mail, or facsimile within twenty-four hours following the discovery of a cyber incident that impacts the office of the clerk of court, including but not limited to a computer system maintained by the secretary of state.

B. As used in Subsection A of this Section, "cyber incident" means an event that may jeopardize the confidentiality, integrity, or availability of digital information or information systems.

The original instrument was prepared by Morgan B. Robertson. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne C. Johnston.

DIGEST

SB 140 Reengrossed

2020 Regular Session

Reese

Present law provides for the duties of the filing office, as defined in the Uniform Commercial Code (R.S. 10:9-501), which includes:

- (1) The Department of Public Safety and Corrections, office of motor vehicles, if the collateral for a secured transaction is a titled motor vehicle not held as inventory for sale or lease.
- (2) The Department of Wildlife and Fisheries, if the collateral for a secured transaction is a titled vessel valued in excess of \$2,500 and required to be numbered, or a titled outboard motor, and such vessel or motor is to be principally operated on the waters of this state, not held as inventory for sale or lease, and transferred for the first time on or after July 1, 2008.
- (3) The clerk of court of any parish, in all other cases, including when the collateral is

as-extracted collateral or goods that are to become fixtures and the financing statement is filed as a fixture filing.

Proposed law retains present law and specifies that the clerk of court is the designated filing office. Requires the filing office to notify the secretary of state, or his designee, within 24 hours following the discovery of a cyber incident that impacts the filing office, including but not limited to a computer system maintained by the secretary of state.

Present law provides for the powers and duties of registrars of voters.

Proposed law retains present law and requires the registrar to notify the secretary of state, or his designee, within 24 hours following the discovery of a cyber incident that impacts the office of the registrar, including but not limited to a computer system maintained by the secretary of state.

Present law provides for the powers and duties of clerks of court as the chief election officer of the parish.

Proposed law retains present law and requires the clerk of court to notify the secretary of state, or his designee, within 24 hours following the discovery of a cyber incident that impacts the office of the clerk of court, including but not limited to a computer system maintained by the secretary of state.

Proposed law defines "cyber incident" as an event that may jeopardize the confidentiality, integrity, or availability of digital information or information systems.

Effective August 1, 2020.

(Adds R.S. 10:9-528 and R.S. 18:58(D) and (429))

Summary of Amendments Adopted by Senate

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

1. Provides technical changes.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Specify that the clerk of court is the designated filing office.