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## DIGEST

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HB 722 Reengrossed

2020 Regular Session

Gregory Miller

**Abstract:** Provides for the enforcement of electronic signatures by financial institutions.

Present law (R.S. 9:2601, et seq., Louisiana Uniform Electronic Transactions Act) provides for the effect, use, and enforceability of electronic records and electronic signatures involved in a transaction between two or more persons relating to the conduct of business, commercial, or governmental affairs with certain exceptions. Present law (R.S. 9:2610) further provides for the effect of change or error involving an electronic signature or record.

Proposed law explicitly provides that electronic signatures used in transactions by and with financial institutions are enforceable to the full extent of the law.

Proposed law provides that a financial institution may submit evidence to provide that an electronic signature is that of the purported signer and provides examples of such evidence.

Present law provides for definitions. Proposed law applies present law definitions to proposed law.

(Amends R.S. 13:3733.1(A)(intro. para.); Adds R.S. 13:3733.3)

### Summary of Amendments Adopted by House

#### The House Floor Amendments to the engrossed bill:

1. Remove provisions that place the burden of proving the electronic signature is invalid or unenforceable on the purported signer, in the event of a dispute.
2. Remove the specification that evidence, submitted to prove that the electronic signature is that of the purported signer and is valid and enforceable, be corroborating evidence.
3. Remove provisions which allow for the recovery of attorney fees and costs associated with a litigation or arbitration.
4. Make technical changes.