

2020 Regular Session

HOUSE BILL NO. 404

BY REPRESENTATIVE FARNUM

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AN ACT

To amend and reenact R.S. 1:55(E)(2) and R.S. 13:754(B) and (E)(1), (5), (8), and (10), and Code of Civil Procedure Article 253(B) and (E), and to enact R.S. 13:754(E)(13) and Code of Civil Procedure Article 253(F) through (H), relative to emergency closings for clerks of court; to provide relative to the Louisiana Clerks' Remote Access Authority; to facilitate electronic transactions or communications; to disseminate information to the public; to require certain statements regarding closure of the office of the clerk; to provide for an electronic bulletin board on the statewide portal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 1:55(E)(2) is hereby amended and reenacted to read as follows:

§55. Days of public rest, legal holidays, and half-holidays

* * *

E.

* * *

(2) If an emergency situation develops which, in the judgment of the clerk of court, renders it hazardous or otherwise unsafe for employees of the office of the clerk to continue in the performance of their official duties or for the general public to conduct business with the clerk's office, the clerk, with prior approval from the clerk's chief judge or other person authorized to exercise his authority, may order the closing of his office for the duration of the hazardous or unsafe condition. No such closure shall be effective nor shall such period of closing be considered a legal holiday unless prior written approval or written confirmation from such chief judge

1 or person acting on his behalf is received by the clerk of court. When the office is
 2 reopened, the clerk ~~shall have published as soon as possible a legal notice in all of~~
 3 ~~the official parish journals of the parishes within the district setting forth the dates~~
 4 ~~of closure, the hour of closure if applicable, the reasons for closure, and a statement~~
 5 ~~that, pursuant to Paragraph (3) of this Subsection, these days or parts of days were~~
 6 ~~legal holidays. The clerk shall attach a similar statement setting forth the dates of~~
 7 ~~closure, the hours of closure if applicable, the reasons for closure, and a statement~~
 8 ~~that, pursuant to Paragraph (3) of this Subsection, these days or parts of days were~~
 9 ~~legal holidays to every document, petition, or pleading filed in the office of the clerk~~
 10 on the first day or part of a day his office is open after being closed under the
 11 provisions of this Paragraph, whenever the petition or document relates to a cause
 12 of action, right of appeal, or other matter against which prescription could have run
 13 or time periods imposed by law could have expired.

14 * * *

15 Section 2. R.S. 13:754(B) and (E)(1), (5), (8), and (10) are hereby amended and
 16 reenacted and R.S. 13:754(E)(13) is hereby enacted to read as follows:

17 §754. Louisiana Clerks' Remote Access Authority; membership; board of
 18 commission; statewide portal ~~of records~~

19 * * *

20 B. The LCRAA shall provide for infrastructure, governance, standard
 21 operating procedures, technology, and training to support a statewide portal for
 22 secure remote access by Internet users to certain records maintained by LCRAA
 23 members and shall provide assistance to LCRAA members in procuring,
 24 implementing, enhancing, and maintaining equipment, supplies, and services related
 25 to technology to facilitate electronic transactions and communications and to
 26 disseminate information to the public, to facilitate the operations of any member
 27 during any declared emergency, and to provide for document preservation.

28 * * *

29 E. The LCRAA, acting through its board, shall have the following powers
 30 and duties:

1 (1) To design, construct, administer, and maintain a statewide portal for
 2 remote access of certain electronic images of certain records maintained by members
 3 and technology to facilitate electronic transactions and communications, and to
 4 disseminate information to the public.

5 * * *

6 (5) To provide such services and make such expenditures as LCRAA deems
 7 proper for the ~~establishment and maintenance of a statewide portal~~ achievement of
 8 the purposes of this Section.

9 * * *

10 (8) To establish user fees for ~~remote access~~ services provided through the
 11 statewide portal. The fees shall be sufficient to recover administrative and
 12 operational expenses. Administrative and operational expenses shall include but not
 13 be limited to hardware, computer support, maintenance, enhancements, upgrades,
 14 and replacement of information technology equipment, including software and
 15 conversion services, preserving, maintaining, and enhancing records including the
 16 costs of repairs, maintenance, consulting services, service contracts, redaction of
 17 confidential information from records, system replacements or upgrades, and
 18 improving public access to records.

19 * * *

20 (10) To establish and administer a grant program for assisting members with
 21 acquiring hardware and software and related equipment, supplies, and services for
 22 the conversion of records to increase the records made available through the
 23 statewide portal, to facilitate electronic transactions or communications, to
 24 disseminate information to the public, or to facilitate the operations of any member
 25 during any declared emergency.

26 * * *

27 (13) To establish and administer an electronic bulletin board on the statewide
 28 portal for participants to display and archive copies of public notices including but
 29 not limited to notices of emergency closures required by R.S. 1:55(E)(2). LCRAA

1 may display and archive notices of other public or private entities on the statewide
2 portal in accordance with rules adopted by the board.

3 Section 3. Code of Civil Procedure Article 253(B) and (E) are hereby amended and
4 reenacted and Code of Civil Procedure Article 253(F) through (H) are hereby enacted to read
5 as follows:

6 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

7 * * *

8 B. The filings as provided in Paragraph A of this Article and all other
9 provisions of this Chapter, may be transmitted electronically in accordance with a
10 system established by a clerk of court or by Louisiana Clerks of Court Remote
11 Access Authority. When ~~a clerk of court establishes~~ such a system is established, ~~he~~
12 the clerk of court shall adopt and implement procedures for the electronic filing and
13 storage of any pleading, document, or exhibit. The official record shall be the
14 electronic record. A pleading or document filed electronically is deemed filed on the
15 date and time stated on the confirmation of electronic filing sent from the system, if
16 the clerk of court accepts the electronic filing. Public access to electronically filed
17 pleadings and documents shall be in accordance with the rules governing access to
18 written filings.

19 * * *

20 E. The clerk shall not refuse to accept for filing any pleading or other
21 document signed by electronic signature, as defined by R.S. 9:2602, and executed
22 in connection with court proceedings, or which complies with the procedures for
23 electronic filing implemented pursuant to this Article, if any applicable fees for filing
24 and transmission are paid, solely on the ground that it was signed by electronic
25 signature.

26 F. If the filing party fails to comply with any requirement of this Article, the
27 electronic filing shall have no force or effect. The district courts may provide by
28 court rule for other matters related to filings by electronic transmission.

29 G. The clerk of court may procure equipment, services, and supplies
30 necessary to accommodate electronic filings out of the clerk's salary fund.

1 H. All electronic filings shall include an electronic signature. For the
2 purpose of this Article, "electronic signature" means an electronic symbol or process
3 attached to or logically associated with a record and executed or adopted by a person
4 with the intent to sign the record.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____