

ACT No. 115

2022 Regular Session

HOUSE BILL NO. 164

BY REPRESENTATIVE PRESSLY

1 AN ACT

2 To amend and reenact R.S. 13:850(A) and (D) and to enact R.S. 13:850(E), relative to
3 electronic filing and recording; to provide relative to electronic filing received at
4 certain times; to provide for the acceptance at time of receipt; to provide for
5 summary proceedings; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:850(A) and (D) are hereby amended and reenacted and R.S.
8 13:850(E) is hereby enacted to read as follows:

9 §850. Facsimile transmission; filings in civil actions; fees; equipment and supplies

10 A. Any document in a civil action may be filed with the clerk of court by
11 facsimile transmission. All clerks of court shall make available for their use
12 equipment to accommodate facsimile filing in civil actions, and the clerks of court
13 shall not intentionally turn off or disconnect the equipment used to receive facsimile
14 filings. Filing shall be deemed complete ~~at the time the facsimile transmission is~~
15 ~~received by the clerk of court~~ on the date and time indicated on the clerk of court
16 facsimile transmission receipt. No later than on the first business day after receiving
17 a facsimile filing, the clerk of court shall transmit to the filing party via facsimile a
18 confirmation of receipt and include a statement of the fees for the facsimile filing
19 and filing of the original document. The facsimile filing fee and transmission fee are
20 incurred upon receipt of the facsimile filing by the clerk of court and payable as
21 provided in Subsection B of this Section. The facsimile filing shall have the same

1 force and effect as filing the original document, if the filing party complies with
2 Subsection B of this Section.

3 * * *

4 D. In the event the filing party does not receive a confirmation of receipt
5 pursuant to Subsection A of this Section, and the clerk's office asserts that it never
6 received the facsimile transmission, the filing party may file a contradictory motion
7 if he has electronic or other evidence that the facsimile filing was transmitted to the
8 clerk's office on a particular day and at a specified time. The motion shall be filed
9 with the section of court in which the case is assigned and the motion shall be
10 conducted pursuant to C.C.P. Art. 2591 et seq.

11 E. The clerk may purchase equipment and supplies necessary to
12 accommodate facsimile filings out of the clerk's salary fund.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____