
DIGEST

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HB 91 Original

2025 Regular Session

Thomas

Abstract: Provides relative to conditions that a person must satisfy before a bank discloses its customer's financial records.

Present law provides that a bank may disclose records pursuant to a disclosure demand if certain conditions are met. One of these conditions required by present law is that, before the return date, the person requesting the disclosure demand must furnish to the bank an affidavit certifying the following:

- (1) The disclosure demand was served on the bank's president, a registered agent of the bank for service of process, or, if applicable, the bank's counsel of record, unless the bank expressly waives service on any of these individuals.
- (2) Prior to the return date, the person requesting the disclosure demand furnishes to the bank an affidavit certifying that the disclosure demand, or a certified copy of the demand, was personally served on each customer named in the demand or on the customer's counsel of record. Further, such service was made at least 30 business days before the return date.

Proposed law changes the aforementioned service requirement from 30 business days to 30 calendar days. Proposed law otherwise retains present law.

Present law mandates that a bank be given a reasonable period of time before the return date, and no less than 30 calendar days before the return date, to complete the action necessary to disclose financial records that are the subject of a disclosure request. Present law also mandates that the bank be reimbursed for any reasonable fees and costs incurred for complying with the request.

Proposed law changes the aforementioned notice requirement from 30 business days to 30 calendar days. Proposed law otherwise retains present law.

(Amends R.S. 6:333(C)(2)(b) and (G))