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## DIGEST

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HB 876 Original

2016 Regular Session

Leger

**Abstract:** Provides for online filing of documents required to be filed with the La. secretary of state.

Present law defines "digital signature". Proposed law deletes present law.

Present law provides for certain requirements for persons making in-person filings with the secy. of state. Proposed law deletes present law.

Proposed law provides that the secy. of state may accept any filings as required in present law (The provisions of Title 12, Chapter 1 of Title 9, Chapter 10 of Title 45, and Chapters 1 and 7 of Title 51), by means of electronic, online or facsimile transmission.

Proposed law provides that all online filings are required to include an electronic signature.

Proposed law defines "electronic signature" as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Proposed law provides that "online" means a filing made through the secy. of state's commercial online computer system.

Proposed law provides for filing by facsimile. Provides that printed documents transmitted through an electronic method to the secy. of state are deemed properly signed when the document received by a facsimile machine or document image attachment in email by the commercial division, office of the secy. of state, purports to be a copy of the original document and contains the signatures required in proposed law.

Proposed law provides for online filing. The secy. of state is authorized to implement and establish procedures and systems for secure online-form filing for the filing of any instrument required to be filed with the secy. of state pursuant to the provisions of present law.

Proposed law provides that any provision that requires an instrument filed with the secy. of state to be subscribed or acknowledged before a notary public may be dispensed with if the instrument is filed online and signed electronically, as provide in proposed law, by a person authorized to sign the instrument.

Proposed law provides that any filing authorized in present law that the secy. of state has the

capability to accept online are required to be filed only on the secy. of state's commercial online computer system.

(Amends R.S. 9:3402(B), R.S. 12:1-120(D) and (J) and 1701(A), (C), and (D); Adds R.S. 9:3402(D), R.S. 12:1-120(M), R.S. 45:1364.1, and R.S. 51:195)