HLS 22RS-258 ORIGINAL

2022 Regular Session

HOUSE BILL NO. 164

BY REPRESENTATIVE PRESSLY

CIVIL/PROCEDURE: Provides relative to electronic filing of documents

1 AN ACT

2 To amend and reenact R.S. 13:850(A), relative to electronic filing and recording; to provide

3 relative to electronic filing received at certain times; to provide for the acceptance

4 at time of receipt; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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Section 1. R.S. 13:850(A) is hereby amended and reenacted to read as follows:

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

A. Any document in a civil action may be filed with the clerk of court by

facsimile transmission. All clerks of court shall make available for their use

equipment to accommodate facsimile filing in civil actions, and the clerks of court

shall not intentionally turn off or disconnect the equipment used to receive facsimile

filings. Filing shall be deemed complete at the time the facsimile transmission is

received by the clerk of court <u>in accordance with the electronic filing procedures set</u>

14 <u>forth in Code of Civil Procedure Article 258</u>. No later than on the first business day

after receiving a facsimile filing, the clerk of court shall transmit to the filing party

via facsimile a confirmation of receipt and include a statement of the fees for the

facsimile filing and filing of the original document. The facsimile filing fee and

transmission fee are incurred upon receipt of the facsimile filing by the clerk of court

and payable as provided in Subsection B of this Section. The facsimile filing shall

1 have the same force and effect as filing the original document, if the filing party

2 complies with Subsection B of this Section.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 164 Original

2022 Regular Session

Pressly

Abstract: Provides for electronic filing acceptance at the time filing was received.

<u>Present law</u> (C.C.P. Art. 253) provides that a pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing.

<u>Present law</u> (C.C.P. Art. 258) provides that for electronic filings received on a legal holiday or at any time other than during normal business hours of the recorder, the filings shall be accepted on the next business day by the same procedure followed when a paper document is received in the mail at any time other than during normal business hours.

<u>Present law</u> (R.S. 13:850) provides that any document in a civil action may be filed with the clerk of court by facsimile transmission and that filing is deemed complete at the time the facsimile transmission is received by the clerk of court.

<u>Proposed law</u> changes <u>present law</u> to provide that the equipment used to accept facsimile filings cannot be intentionally turned off or disconnected, and that filing shall be deemed complete in accordance with the procedures set forth in C.C.P. Art. 258.

(Amends R.S. 13:850(A))