

Regular Session, 2012
HOUSE BILL NO. 948
BY REPRESENTATIVE SEABAUGH

ACT No. 505

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AN ACT

To amend and reenact R.S. 13:3733(D)(introductory paragraph) and 3733.1(C) and (G)(1)(a) and Code of Civil Procedure Article 2636(5)(b), relative to the admissibility of certain business records and security agreements; to provide for admissibility; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3733(D)(introductory paragraph) and 3733.1(C) and (G)(1)(a) are hereby amended and reenacted to read as follows:

§3733. Business records; reproduction by electronic imaging, photographic, photostatic, or miniature photographic process; certification

* * *

D. Whenever any such electronically imaged, photographic, photostatic, or miniature photographic copy or reproduction shall be certified with a certificate reading substantially as follows, it shall be deemed an original or authentic copy of the original record or document for purposes of its admissibility under Louisiana law, and specifically as authentic evidence for purposes of Code of Civil Procedure Article 2636, and shall be received in evidence as prima facie proof of its contents with the same force and effect as though the original document were produced, and shall be deemed authentic evidence for all purposes, satisfying the requirements of Code of Evidence Articles 901 and 902:

* * *

§3733.1. Financial institution records; reproductions; recordkeeping; admissibility into evidence; definitions

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1 C. Notwithstanding any other statute, rule of law, regulation, ordinance, or
 2 other provision to the contrary, except Subsection G of this Section, each
 3 reproduction of a record made pursuant to this Section shall be considered to be an
 4 original of such record for all purposes and shall be admissible into evidence to the
 5 same extent as the original record itself in any judicial, administrative, and other
 6 proceedings in all courts, tribunals, and other bodies and in any proceedings before
 7 all boards, bureaus, departments, commissions, and agencies of this state, whether
 8 the original record is in existence or not, and shall be received in evidence as prima
 9 facie proof of its contents with the same force and effect as though the original
 10 document were produced, and shall be deemed authentic evidence for all purposes,
 11 satisfying the requirements of Code of Evidence Articles 901 and 902. The
 12 introduction of a reproduction does not preclude introduction of the original record.

13 * * *

14 G.(1) A reproduction of a promissory note, negotiable instrument, letter of
 15 credit, certificated security, document of title, or a certificate of title pertaining to a
 16 motor vehicle shall not be deemed to be an original of such record for the following
 17 purposes:

18 (a) Use of the record in executory proceedings as provided in Chapter I of
 19 Title II of Book V of the Louisiana Code of Civil Procedure, Article 2631 et seq.,
 20 except as otherwise provided by Article 2636.

21 * * *

22 Section 2. Code of Civil Procedure Article 2636(5)(b) is hereby amended and
 23 reenacted to read as follows:

24 Art. 2636. Authentic evidence

25 The following documentary evidence shall be deemed to be authentic for
 26 purposes of executory process:

27 * * *

28 (5)(a) A security agreement subject to Chapter 9 of the Louisiana
 29 Commercial Laws, which need not be executed or acknowledged before a notary; or

1 (b) A reproduction of a security agreement described in Subsubparagraph (a)
 2 of this Subparagraph or a reproduction of a single writing that evidences both an
 3 obligation to pay and a security agreement described in Subsubparagraph (a) of this
 4 Subparagraph, that is certified by a representative of a financial institution in the
 5 manner provided for in R.S. 13:3733.1(E).

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____