

Regular Session, 2013

SENATE BILL NO. 149

BY SENATOR PERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FEES/LICENSES/PERMITS. Provides for online certification of certain electronic records.
(8/1/13)

1 AN ACT

2 To enact R.S. 9:2621, relative to the Louisiana Uniform Electronic Transactions Act; to
3 provide for an online certification; to provide terms, conditions and requirements;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2621 is hereby enacted to read as follows:

7 **§2621. Certification of electronic records**

8 **A. Notwithstanding any provision of the law to the contrary, when a**
9 **governmental agency offers online applications through an internet interface**
10 **for any license or permit, and the particular law for such license or permit**
11 **requires a sworn application for such license or permit, the governmental**
12 **agency may accept an online certification from the applicant in lieu of the sworn**
13 **application.**

14 **B. The online certification shall require the applicant to certify that all**
15 **of the information and documentation the applicant submits via the online**
16 **application through an internet interface shall be true and correct, and that the**
17 **applicant has not used a false or fictitious name in such application, and that the**

1 applicant has not knowingly made a false statement or has not knowingly
 2 concealed any material fact or otherwise committed any fraud in any such
 3 application for a license or permit.

4 C. A governmental agency that elects to accept online applications
 5 through an internet interface, and thus accepting an online certification in lieu
 6 of a sworn application, shall promulgate such rules and regulations in
 7 accordance with R.S. 9:2619 and the Administrative Procedure Act as are
 8 necessary to implement such online certification.

9 D. The acceptance of an online application with the certification
 10 authorized by this Section, in lieu of the sworn application otherwise required
 11 by law, shall not result in, or create any liability on the part of the state or the
 12 governmental agency.

The original instrument was prepared by J. W. Wiley. The following digest, which does not constitute a part of the legislative instrument, was prepared by Julie J. Baxter.

DIGEST

Perry (SB 149)

Proposed law provides when a governmental agency offers online applications through an internet interface for any license or permit, and the particular law for such license or permit requires a sworn application for such license or permit, the governmental agency may accept an online certification from the applicant in lieu of the sworn application.

Proposed law provides that the online certification must require the applicant to certify that all of the information and documentation the applicant submits via the online application through an internet interface must be true and correct, and that the applicant has not used a false or fictitious name in such application, and that the applicant has not knowingly made a false statement or has not knowingly concealed any material fact or otherwise committed any fraud in any such application for a license or permit.

Proposed law provides that a governmental agency that elects to accept online applications through an internet interface, and thus accepting an online certification in lieu of a sworn application, shall promulgate such rules and regulations, in accordance with R.S. 9:2619 and the APA, as are necessary to implement such online certification.

Proposed law provides that the acceptance of an online application with the certification, in lieu of the sworn application otherwise required by law, shall not result in, or create any liability on the part of the state or the governmental agency.

Effective August 1, 2013.

(Adds R.S. 9:2621)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Adds reference to R.S. 9:2619, which recognizes that the commissioner of administration may seek consistency among governmental agency rules regarding online certification procedures.