Regular Session, 2012

HOUSE BILL NO. 948

BY REPRESENTATIVE SEABAUGH

1   AN ACT

2   To amend and reenact R.S. 13:3733(D)(introductory paragraph) and 3733.1(C) and

3   (G)(1)(a) and Code of Civil Procedure Article 2636(5)(b), relative to the

4   admissibility of certain business records and security agreements; to provide for

5   admissibililty; and to provide for related matters.

6   Be it enacted by the Legislature of Louisiana:

7   Section 1. R.S. 13:3733(D)(introductory paragraph) and 3733.1(C) and (G)(1)(a) are

8   hereby amended and reenacted to read as follows:

9   §3733.   Business records; reproduction by electronic imaging, photographic,

10   photostatic, or miniature photographic process; certification

11   *   *   *

12   D. Whenever any such electronically imaged, photographic, photostatic, or

13   miniature photographic copy or reproduction shall be certified with a certificate

14   reading substantially as follows, it shall be deemed an original or authentic copy of

15   the original record or document for purposes of its admissibility under Louisiana

16   law, and specifically as authentic evidence for purposes of Code of Civil Procedure

17   Article 2636, and shall be received in evidence as prima facie proof of its contents

18   with the same force and effect as though the original document were produced, and

19   shall be deemed authentic evidence for all purposes, satisfying the requirements of

20   Code of Evidence Articles 901 and 902:

21   *   *   *

22   §3733.1. Financial institution records; reproductions; recordkeeping; admissibility

23   into evidence; definitions

24   *   *   *

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 <u>or a reproduction of a single writing that evidences both an</u>

3   <u>obligation to pay and a security agreement described in Subsubparagraph (a) of this</u>

4   <u>Subparagraph,</u> that is certified by a representative of a financial institution in the

5   manner provided for in R.S. 13:3733.1(E).

6   *   *   *

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____