

RS 13:754

§754. Louisiana Clerks' Remote Access Authority; membership; board of commission; statewide portal of records

A. There is hereby created the Louisiana Clerks' Remote Access Authority which shall be referred to as the "LCRAA".

B. The LCRAA shall provide for infrastructure, governance, standard operating procedures, technology, and training to support a statewide portal for secure remote access by Internet users to certain records maintained by LCRAA members and to provide for document preservation.

C. The LCRAA shall be composed of members who are district clerks of court who enroll on or before September 1, 2014, to provide the LCRAA with secure remote access to indices and electronic images of certain records maintained by each district clerk of court. LCRAA shall adopt rules permitting additional district clerks of court to enroll as members of LCRAA on a schedule which shall include at least one enrollment period per fiscal year.

D.(1) The LCRAA shall be governed by a seven-member board of commissioners, referred to in this Section as the "board", and consists of the following members:

(a) Five commissioners to be elected by the LCRAA from the LCRAA membership.

(b) One commissioner to be designated by the Louisiana Bankers Association (LBA).

(c) One commissioner to be designated by the Louisiana Land Title Association (LLTA) or the Louisiana Association of Independent Land Title Agents (LAILTA). The commissioners from each association shall serve for a one-year term, alternating between the two associations. The designee of the LAILTA shall serve as the initial commissioner with the term beginning July 1, 2014, and ending June 30, 2015. The term for the designee of the LLTA shall begin on July 1, 2015, and end on June 30, 2016.

(2)(a) Board members elected by the LCRAA and elected by the LBA shall serve two-year terms. The initial term shall begin on July 1, 2014, and shall end on June 30, 2016.

(b) Board members shall be eligible for election to succeeding terms without limit.

(c) Any expired term or vacancy on the board of LCRAA shall be filled in the same manner as the original appointment.

(3) The board shall elect from its members a chair, a vice chair, a secretary, a treasurer and such other officers as it may deem necessary. The duties of the officers shall be fixed by the by-laws adopted by LCRAA.

(4) The members of the board shall serve without compensation but shall be reimbursed for their reasonable expenses directly related to the governance of LCRAA.

(5) The domicile of LCRAA shall be in East Baton Rouge Parish.

E. The LCRAA, acting through its board, shall have the following powers and duties:

(1) To design, construct, administer, and maintain a statewide portal for remote access of certain electronic images of certain records maintained by members.

(2) To adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs including but not limited to developing indexing standards.

(3) To receive and expend funds collected pursuant to this Section and in accordance with a budget adopted by LCRAA.

(4) To enter into contracts with individuals or entities, private or public.

(5) To provide such services and make such expenditures as LCRAA deems proper for the establishment and maintenance of a statewide portal.

(6) To acquire or lease equipment, supplies, office space, and storage space which LCRAA deems necessary for the achievement of the purposes of this Section.

(7) To perform any function or activity necessary or appropriate to carry out the purposes of this Section.

(8) To establish user fees for remote access through the statewide portal. The fees shall be sufficient to recover administrative and operational expenses. Administrative and operational expenses shall include but not be limited to hardware, computer support, maintenance, enhancements, upgrades, and replacement of information technology equipment, including software and conversion services, preserving, maintaining, and enhancing records including the costs of repairs, maintenance, consulting services, service contracts, redaction of confidential information from records, system replacements or upgrades, and improving public access to records.

(9) To accept any type of payment approved by LCRAA including but not limited to credit cards, electronic fund transfers, or escrowed funds.

(10) To establish and administer a grant program for assisting members with acquiring hardware and software for the conversion of records to increase the records made available through the statewide portal.

(11) To solicit and accept additional contributions and grants to further the purposes of LCRAA.

(12) To sue and be sued.

F.(1) Beginning September 1, 2014, members of LCRAA shall collect a fee of five dollars per recording of which three dollars shall be remitted to the LCRAA and two dollars shall be retained by the member to fund costs related to participation in the statewide portal, including but not limited to acquiring hardware and software and providing document preservation. The fees shall be remitted to LCRAA by the tenth day of the month following collection. LCRAA shall use the fees received solely for the purposes set forth in this Subsection.

(2) Any user fee received by LCRAA shall be used for administering and maintaining the statewide portal and a prorated share, as determined by LCRAA, may be paid to members based upon the public access to the records provided by the member.

(3) If the statewide portal is not operational by August 31, 2017, the additional five dollar fee shall cease to be collected.

G. LCRAA shall be immune from suits arising from any acts or omissions relating to providing remote access pursuant to the provisions of this Section unless the LCRAA was grossly negligent or engaged in willful misconduct. The provisions of this Subsection shall not be construed to limit, withdraw, or overturn any other applicable defense or immunity.

H. Records accessed through the statewide portal shall not be sold or posted on any other public or private website or in any way redistributed to any third party by a user. LCRAA may deny remote access when necessary to ensure compliance with this Subsection. Data from records accessed by secure remote access may be included in products or services provided to a third party provided that all of the following occur:

(1) The records used to compile the data are not made available to the general public.

(2) The third party maintains administrative, technical, and security safeguards to protect integrity and limited access of the records.

(3) The third party discloses that he is not the official custodian of the records used to compile the data.

I. (1) The LCRAA shall indemnify its officers and board members to the fullest extent permitted by law.

(2) No board member, employee, or officer of the authority shall be liable to the authority or to any individual or entity who conducts business with the authority for monetary damages, for breach of his duties as a board member, employee, or officer, provided that this provision shall not eliminate or limit the liability of a board member, employee, or officer for any of the following:

(a) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.

(b) Any transaction from which he or she derived an improper personal benefit.

(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S. 9:2792.1 through 2792.9, a person serving as a board member, employee, or officer shall not be individually liable for any act or omission arising out of the performance of his duties.

Acts 2014, No. 826, §1, eff. June 23, 2014.