

ACT No. 423

Regular Session, 2006

HOUSE BILL NO. 1219

BY REPRESENTATIVE BOWLER

1 AN ACT

2 To amend and reenact R.S. 35:131 through 133, 191(C)(1) and (2) and (E), and 191.1 and
3 to enact R.S. 35:191(V), relative to notaries public; to authorize the secretary of state
4 to grant leaves of absence for notaries; to provide for the application, qualification,
5 and administration process for taking the notary examination; to provide for certain
6 fees; to provide for the continued exercise of notarial functions by notaries displaced
7 by Hurricane Katrina or Rita; to provide for the development of uniform statewide
8 examination standards; to provide for regional testing centers; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 35:131 through 133, 191(C)(1) and (2) and (E), and 191.1 are hereby
12 amended and reenacted and R.S. 35:191(V) is hereby enacted to read as follows:

13 §131. Grant of leave of absence; ~~designation of substitute notary~~; suspension of
14 prescription

15 A. The secretary of state on behalf of the governor may grant leave of
16 absence to notaries public for a period not exceeding thirty-six months, to date from
17 the day ~~of the permission~~ the leave is granted by the governor.

18 ~~B. Notaries public permitted to absent themselves shall be required to name~~
19 ~~and designate another notary public to represent them during their absence.~~

20 ~~C.~~ B. Absence from the state suspends the running of prescription against the
21 notary.

1 §132. Notaries in military service, leave of absence

2 A leave of absence may be granted by the secretary of state on behalf of the
3 ~~governor~~ secretary of state
4 in writing certifying that he is a member of the Army, Navy, Marine Corps, or any
5 other branch of the military service of the United States, or of the ~~State~~ state of
6 Louisiana, and stating the expiration date of his bond; ~~if the notary so desires, he~~
7 ~~may name and designate another notary to represent him during his absence, but the~~
8 ~~representation shall cease upon the expiration of the absent notary's bond.~~

9 §133. Notaries in military service, period of leave

10 The period of the leaves of absence granted in accordance with R.S. 35:132
11 shall date from the day ~~of the permission~~ the leave is granted by the governor and
12 shall terminate sixty days after the date of discharge of the notary from the military
13 service of the United States or the ~~State~~ state of Louisiana.

14 * * *

15 §191. Appointment; qualifications ~~and bond~~; examination; ~~examiners~~

16 * * *

17 C. Each applicant, otherwise qualified, may be appointed a notary public in
18 and for a parish upon meeting all of the following conditions:

19 (1)(a) Submitting an application to be appointed a notary public to the
20 appropriate district court together with a certificate establishing his age, residence,
21 location of his office when the applicant seeks to be appointed a notary based on
22 such office, location of the office which was the basis for a current appointment as
23 a notary in any other parish, if any, and a statement as to the applicant's good moral
24 character, integrity, competency, and sober habits, sworn to and subscribed by two
25 reputable citizens of the parish.

26 (b) The application and qualifying process shall be administered by the court
27 for each parish through a parish application committee composed of two members
28 appointed by the court. Each member of the committee shall be appointed to serve
29 a term of two years beginning September 1, 2006, and every two years thereafter.

1 (c) The court shall not charge any fee in excess of thirty-five dollars for
 2 filing and processing any application, or petition, or both, to be appointed a notary
 3 public provided for in Subparagraph (C)(1)(a) of this Section.

4 (2)(a) Taking and passing a written examination, as provided in R.S.
 5 35:191.1, administered by ~~an examining committee composed of three notaries~~
 6 ~~appointed by the district court having jurisdiction in the parish, or in Orleans Parish~~
 7 ~~the custodian of notarial records, and one attorney, and one notary public who is not~~
 8 ~~an attorney. Two of the notaries shall be attorneys and one a notary public who is~~
 9 ~~not an attorney. However, if no person within the parish who is a non-attorney~~
 10 ~~notary will accept such appointment, the district court having jurisdiction in the~~
 11 ~~parish shall appoint an additional attorney to serve on the examining committee the~~
 12 ~~secretary of state.~~

13 ~~(b)(i) The examining committee members shall be appointed to serve a term~~
 14 ~~of two years beginning October 1, 1977, and every two years thereafter.~~

15 ~~(ii)(i) Beginning in 2005, the The notary examination shall be given ~~on the~~~~
 16 ~~second Monday of June, September, and December. Thereafter, the notary~~
 17 ~~examination shall be given four times per year, the second Monday of March, June,~~
 18 ~~September, and December. Should the scheduled Monday be a state holiday, then~~
 19 ~~the next non-holiday Monday shall be the test date. twice per year on the first~~
 20 ~~Saturday of June and December. Should the scheduled Saturday be a state holiday,~~
 21 ~~then the next non-holiday Saturday shall be the test date.~~

22 ~~(iii)(ii) To qualify to be examined, the candidate shall have satisfied all~~
 23 ~~requirements to be commissioned as a notary public in the parish, except for passing~~
 24 ~~the examination, and register with the parish examining application committee on~~
 25 ~~a form provided by the secretary of state and have attached thereto the required~~
 26 ~~examination fee.~~

27 ~~(iii) The qualified candidate shall be permitted to register for any notary~~
 28 ~~public examinations administered by the secretary of state within one year after the~~
 29 ~~date the parish application committee notifies the candidate of his approval to take~~

1 the examination. No further parish application fee shall be required during this
2 period. The required examination fee, however, must be paid for each examination.

3 (iv) The parish ~~examining~~ application committee shall notify the secretary
4 of state of the number of ~~examinations needed for the date of the examination~~
5 applicants who have qualified and registered to be examined and forward the
6 registration form and check for each candidate attached thereto not later than forty-
7 five days prior to the date of the examination.

8 (c) ~~In Orleans Parish, the examination shall be administered at the office of~~
9 ~~the custodian of notarial records. The secretary of state shall furnish to each parish~~
10 application committee the results of the examinations for the examinees from the
11 parish and shall notify each examinee of the results of his examination.

12 * * *

13 E. Notwithstanding any other provision of law to the contrary, any person
14 who has been a validly appointed notary public in or for any parish either for a
15 period of five years or after taking and passing the written examination, as provided
16 in R.S. 35:191.1 on or after June 13, 2005, and who changes his residence to another
17 parish, and in the parish of his new residence complies with the laws governing
18 ~~notaries~~ application and qualifying for appointment to the office of notary public in
19 said parish, except taking and passing an examination, and who meets the
20 prerequisites for commission issuance specified in R.S. 35:201, shall be issued a
21 notarial commission for the parish of his new residence by the governor without
22 advice and consent of the Senate and may exercise the functions of notary public in
23 that parish.

24 * * *

25 V.(1) Any notary public appointed in and for the parishes of Allen,
26 Beauregard, Calcasieu, Cameron, Jefferson, Jefferson Davis, Plaquemines, Orleans,
27 St. Bernard, St. Tammany, Vermilion, and Washington who were displaced in the
28 aftermath of Hurricane Katrina or Hurricane Rita may exercise any and all of the
29 functions of a notary public in the parish of their temporary residence and in any
30 other parish with which the parish of their temporary residence is grouped under the

1 provisions of Subsections D, F through O, and Q through U of this Section, provided
 2 that such notary registers his temporary address with the secretary of state. No
 3 additional bonding requirement or examination shall be required under the authority
 4 granted by this Subsection.

5 (2) Any notary public qualified under Paragraph (V)(1) of this Section who
 6 complies with the laws governing application and qualifying for appointment to the
 7 office of notary public in said parish, except taking and passing an examination, and
 8 who meets the prerequisites for commission issuance specified in R.S. 35:201, shall
 9 be issued a notarial commission for the parish of his new residence by the governor
 10 without advice and consent of the Senate and may exercise the functions of notary
 11 public in that parish.

12 (3) The authority granted by this Section shall expire on January 1, 2007.

13 §191.1. Secretary of state; uniform statewide standards, rules, and procedures for
 14 notarial examinations

15 A. The secretary of state shall, with the advice and assistance of the ~~several~~
 16 ~~parish notary examining committees~~ courts and such ~~other~~ subject matter experts as
 17 the secretary of state may request, develop uniform statewide standards for notarial
 18 examinations required by R.S. 35:191(C), which shall be administered ~~by the parish~~
 19 ~~notary examining committees appointed by the court pursuant to R.S. 35:191(C) at~~
 20 regional testing centers by the secretary of state. The standards developed shall
 21 include all of the following:

22 (1) The procedures and rules for administering and grading the examination
 23 for applicants required to take an examination.

24 (2) The format and content of the examination.

25 (3) ~~A system of randomly selecting questions only from the bank of exam~~
 26 ~~questions maintained by the secretary of state.~~

27 (4) The procedures for review by the secretary of state of any examination
 28 which was taken pursuant to R.S. 35:191(C) and which was failed by the examinee.

29 B. The secretary of state shall also:

1 (1) ~~Not later than January 1, 2005, complete development and begin~~
2 ~~furnishing to the parish examining committees examinations developed pursuant to~~
3 ~~this Section.~~

4 (2) ~~Upon implementation of the uniform statewide standards for~~
5 ~~examinations pursuant to this Section, charge Charge a fee not to exceed fifty~~
6 ~~seventy-five dollars for each examinee taking an examination furnished to the parish~~
7 ~~examining committee.~~

8 (3) ~~Maintain a bank of examination questions and model answers for the~~
9 ~~exclusive use of the secretary of state to be used for examinations required by R.S.~~
10 ~~35:191(C).~~

11 (4)(2) Publish and make available to the public a document containing the
12 material and sources from which ~~each currently maintained bank of~~ examination
13 questions are devised for use as a study guide and charge a fee for the actual cost not
14 to exceed one hundred dollars.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____