

SENATE BILL NO. 151

BY SENATOR DUPLESSIS

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

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AN ACT

To enact R.S. 35:191.4, relative to notaries public and registration of notary instructors; to require the secretary of state to develop and administer a program for the registration and reporting of notary instructors; to provide relative to administration and procedures for registration and reporting; to provide for the duties of the secretary of state; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35:191.4 is hereby enacted to read as follows:

§191.4. Secretary of state; procedures for registration and reporting of notary instructors

A.(1) The secretary of state shall develop and administer a program to provide for the registration and reporting of persons who provide notary examination preparatory education and instruction.

(2) As used in this Section, a "provider" shall mean any person who provides a course or courses of instruction or study for the training and instruction of persons preparing for the Louisiana notary public examination required for the office of notary public and who charges a fee to any consumer for such service.

B. Each provider shall submit an annual registration statement to the secretary of state on or before January first of each year beginning January 1, 2010. The secretary of state shall provide the form to be used for registration with the secretary of state and all registrations shall be submitted on the form provided by the secretary of state.

C. Each provider, except an educational institution that operates under

1 the oversight of the Board of Regents, Board of Supervisors for the University
2 of Louisiana System, Board of Supervisors of Louisiana State University and
3 Agricultural and Mechanical College, Board of Supervisors of Southern
4 University and Agricultural and Mechanical College or Board of Supervisors
5 of Community and Technical Colleges, shall annually post a bond guaranteed
6 by a commercial surety licensed to do business in this state with the secretary
7 of state in the amount of twenty-five thousand dollars. The bond shall be to
8 insure the performance of the provider's obligation to deliver any educational
9 services contracted for and shall remain in effect for a period of one year.

10 D. Beginning in 2010, each provider shall submit a semi-annual report
11 to the secretary of state on or before June thirtieth and December thirty-first
12 listing the name and address of each person who received a course or courses
13 of instruction or study from the provider for the training and instruction for the
14 Louisiana notary public examination required for the office of notary public
15 during the time period covered by the report. The secretary of state shall
16 provide the form to be used for the semi-annual report and all reports shall be
17 submitted on the form provided by the secretary of state or on a form which
18 contains the same information as required by the report provided by the
19 secretary of state.

20 E. (1) The secretary of state may impose a penalty of not more than one
21 thousand dollars per day against a provider who is not in compliance with the
22 requirements of this Section.

23 (2) If a penalty imposed under the provisions of this Section is not timely
24 paid by a provider within thirty days of imposition of the penalty by the
25 secretary of state, the attorney general shall institute proceedings against the
26 provider to collect such penalty.

27 F. Each provider shall be exempt from the licensing requirements of R.S.
28 17:3141.1 et seq., pertaining to such educational programs or instruction.

29 G. The secretary of state may establish and require an annual
30 professional development and education program for providers.

1 **H. The secretary of state may promulgate rules and regulations, where**
2 **necessary, for implementation of the provisions of this Section, in accordance**
3 **with the Administrative Procedure Act.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____