

Regular Session, 2009

SENATE BILL NO. 151

BY SENATOR DUPLESSIS

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

NOTARIES. Provides relative to notary instructor registration and reporting requirements.
(8/15/09)

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

9 **§191.4. Secretary of state; procedures for registration and reporting of notary**
10 **instructors**

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

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

1 for such service.

2 B. Each provider shall submit an annual registration statement to the
3 secretary of state on or before January first of each year beginning January 1,
4 2010. The secretary of state shall provide the form to be used for registration
5 with the secretary of state and all registrations shall be submitted on the form
6 provided by the secretary of state.

7 C. Each provider, except an educational institution that operates under
8 the oversight of the Board of Regents, Board of Supervisors for the University
9 of Louisiana System, Board of Supervisors of Louisiana State University and
10 Agricultural and Mechanical College, Board of Supervisors of Southern
11 University and Agricultural and Mechanical College or Board of Supervisors
12 of Community and Technical Colleges, shall annually post a bond guaranteed
13 by a commercial surety licensed to do business in this state with the secretary
14 of state in the amount of twenty-five thousand dollars. The bond shall be to
15 insure the performance of the provider's obligation to deliver any educational
16 services contracted for and shall remain in effect for a period of one year.

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

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

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

5 **F. Each provider shall be exempt from the licensing requirements of R.S.**
 6 **17:3141.1 et seq., pertaining to such educational programs or instruction.**

7 **G. The secretary of state may establish and require an annual**
 8 **professional development and education program for providers.**

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

The original instrument was prepared by Camille Sebastien Perry. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

DIGEST

Proposed law requires the secretary of state to develop and administer a program to provide for the registration and reporting of persons who provide notary examination preparatory education and instruction. For purposes of proposed law, a provider is defined as 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 and who charges a fee to any consumer for such service.

Requires each provider to submit an annual registration statement to the secretary of state on or before January 1st of each year beginning January 1, 2010 on a form to be provided by the secretary of state.

Requires each provider to annually post a bond guaranteed by a commercial surety licensed to do business in this state with the secretary of state in the amount of \$25,000, except an educational institution that operates under the oversight of the Board of Regents, Board of Supervisors for the University of Louisiana System, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Supervisors of Southern University and Agricultural and Mechanical College or Board of Supervisors of Community and Technical Colleges.

Requires each provider, beginning in 2010, to submit a semi-annual report to the secretary of state on or before June 30th and December 31st listing the name and address of each person who received a course or courses of instruction or study for the training and instruction for the Louisiana notary public examination on a form to be provided by the secretary of state.

Authorizes the secretary of state to impose a penalty of not more than \$1,000 per day against a provider who is noncompliant with the requirements of proposed law and if the penalty is not timely paid by a provider within 30 days of imposition of the penalty, the attorney general is to institute proceedings to collect such penalty.

Exempts a provider from the licensing requirements of proprietary schools pertaining to such educational programs or instruction.

Authorizes the secretary of state to establish and require an annual professional development and education program for providers and to promulgate rules and regulations, where necessary, for implementation of proposed law, in accordance with the APA.

Effective August 15, 2009.

(Adds R.S. 35:191.4)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Technical - Legislative Bureau amendments