

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 218

BY REPRESENTATIVE GAROFALO

NOTARIES: Requests that the Louisiana State Law Institute study and make recommendations regarding the adoption of an electronic notary law

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to study the need for and feasibility  
3 of adopting an electronic notary law and specifically whether Louisiana should adopt  
4 laws providing for the use of technology to execute notarizations when the signor is  
5 not in the notary's physical presence, and to report its findings to the Louisiana  
6 Legislature no later than February 1, 2017.

7 WHEREAS, with the evolution of technology and the increasing use of technology  
8 to facilitate commerce and banking, a number of states now allow for electronic notarization  
9 of electronic records, as distinguished from traditional pen and paper notarization; and

10 WHEREAS, electronic notarization is a process whereby a notary affixes an  
11 electronic notary signature and seal information to an electronic document; and

12 WHEREAS, the Louisiana Legislature enacted Act 244 in the 2001 Regular Session  
13 and created the Louisiana Uniform Electronic Transaction Act (R.S. 9:2601 et seq.), and R.S.  
14 9:2611 specifically provides for the electronic signature of a notary, but does not provide any  
15 guidance or standards for how electronic notarization can be achieved; and

16 WHEREAS, audio and video conference technology has continued to develop and  
17 is becoming more widely available and used, and in 2012, a law became effective in Virginia  
18 allowing notary publics to electronically notarize documents when the signor is not in the  
19 notary's presence if satisfactory evidence of the signer's identity is established using audio  
20 and video conference technology; and

1           WHEREAS, the Virginia law requires parties to the notary transaction to be able to  
2 simultaneously see and speak to one another, the signal transmission to be live (real time),  
3 and the signal transmission to be secure from interception through lawful means by anyone  
4 other than the persons communicating; and

5           WHEREAS, the Virginia law provides detailed procedures for confirming the  
6 identity of a signor, and requires the electronic notary to maintain a copy of the recording  
7 of the video and audio conference, thereby establishing safeguards to help protect against  
8 fraud while allowing individuals and businesses to take advantage of the latest technology  
9 in an effort to facilitate transactions; and

10           WHEREAS, a similar law in Louisiana would allow businesses to utilize current  
11 technology in an effort to facilitate transactions and to efficiently and safely serve customers.

12           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
13 urge and request the Louisiana State Law Institute to study and make recommendations  
14 regarding the adoption of an electronic notary law.

15           BE IT FURTHER RESOLVED that the Legislature does hereby urge and request the  
16 Louisiana State Law Institute to study and make recommendations for the use of technology  
17 to execute notarizations when the signor is not in the notary's physical presence.

18           BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit  
19 a written report of its findings, together with any proposed legislation, to the Legislature of  
20 Louisiana no later than February 1, 2017.

21           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
22 director of the Louisiana State Law Institute.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HCR 218 Original

2015 Regular Session

Garofalo

Requests the Louisiana State Law Institute to study and make recommendations regarding the adoption of an electronic notary law and specifically whether Louisiana should adopt laws providing for the use of technology to execute notarizations when the signor is not in the notary's physical presence, and to report its findings to the legislature by Feb. 1, 2017.