SLS 26RS-2127 **ORIGINAL**

2026 Regular Session

SENATE CONCURRENT RESOLUTION NO. 35

BY SENATOR FOIL

NOTARIES. To urge and request the Louisiana State Law Institute to study the use of remote online notarization for executing certain authentic acts.

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and formulate proposed legislation to amend the "Remote Online Notarization Act" and related laws, as necessary, to authorize the use of remote online notarization for executing authentic acts as defined in Civil Code Article 1833, excluding those instruments prohibited in R.S. 35:623(B), and to report its findings and proposed legislation to the Louisiana Legislature.

WHEREAS, Act No. 254 of the 2020 Regular Session of the Louisiana Legislature created the "Remote Online Notarization Act"; and

WHEREAS, the "Remote Online Notarization Act" provides for the process and requirements necessary to become and remain authorized to perform remote online notarizations, including the requirement that the secretary of state may only authorize a regularly commissioned notary public who holds a valid notarial commission in this state to conduct remote online notarizations; and

WHEREAS, R.S. 35:626 sets forth requirements for the locations of the notary public, the parties, and any witnesses involved in a remote online notarization; and

WHEREAS, R.S. 35:627 provides procedures for a notary public to verify the identity of parties and witnesses to a remote online notarial act and requires a notary public

to electronically and digitally sign the act; and

WHEREAS, R.S. 35:629 requires a notary public to maintain electronic copies and audio-video recordings of each remote online notarization for at least ten years from the date of the notarization; and

WHEREAS, audio and video conferencing technology has evolved since the passage of the "Remote Online Notarization Act" and is becoming more widely available and used by notaries throughout Louisiana and in other states to electronically authenticate documents through remote online notarization; and

WHEREAS, for many years certain rural areas of Louisiana have faced a shortage of notaries, which makes the facilitation of commerce more difficult and costly for residents of those areas; and

WHEREAS, the use of remote online notarization provides an opportunity to better serve residents in rural areas and facilitate commerce and banking by authentic act; and

WHEREAS, in Louisiana, an authentic act is required to be executed before a notary public and two witnesses, including signatures of all parties, witnesses, and the notary; and

WHEREAS, Louisiana law further provides that certain instruments, including authentic acts, are not permitted to be executed by remote online notarization; and

WHEREAS, other civil law jurisdictions like France and Quebec permit the execution of authentic acts via remote online notarization; and

WHEREAS, allowing the execution of authentic acts in Louisiana through remote online notarization may expand the business case and possibilities for using remote online notarization.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and formulate proposed legislation to amend the "Remote Online Notarization Act" and related laws, as necessary, to authorize the use of remote online notarization for executing authentic acts as defined in Civil Code Article 1833, excluding those instruments prohibited in R.S. 35:623(B), and to report its findings and proposed legislation to the Louisiana Legislature.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute study group to include representatives of the

secretary of state, Louisiana Notary Association, Louisiana Bankers Association, Louisiana State Bar Association, Louisiana Association of Independent Land Title Agents, Louisiana Land Title Association, Louisiana Clerks of Court Association, and Louisiana Public Tag Association.

BE IT FURTHER RESOLVED the Louisiana State Law Institute shall submit its findings and proposed legislation to the Louisiana Legislature no later than March 1, 2027.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

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Requests the Louisiana State Law Institute to study and formulate proposed legislation to amend the "Remote Online Notarization Act" and related laws, as necessary, to authorize the use of remote online notarization for executing authentic acts as defined in Civil Code Article 1833, excluding those instruments prohibited in R.S. 35:623(B), and to report its findings and proposed legislation to the Louisiana Legislature.