

Regular Session, 2006
HOUSE BILL NO. 1223
BY REPRESENTATIVE GALLOT

ACT No. 796

1 AN ACT

2 To amend and reenact R.S. 35:71(A)(1) and (E) and to enact R.S. 35:191(A)(3), relative to
3 notaries public; to provide relative to the suspension of a notarial commission and
4 the removal of certain penalties; to provide for the definitions of "valid notarial
5 commission" and "validly appointed notary public"; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 35:71(A)(1) and (E) are hereby amended and reenacted and R.S.
9 35:191(A)(3) is hereby enacted to read as follows:

10 §71. Requirement of bond or insurance; suspension of notarial commissions;
11 renewal of bonds or insurance; penalty

12 A.(1) ~~Notarial commissions issued for any parish in this state~~ Unless
13 otherwise provided by law, the authority of a notary public to exercise any of the
14 functions of a notary public within his jurisdictional limits shall remain in effect,
15 provided that the notary posts and maintains bond, with good and solvent security,
16 in the amount of ten thousand dollars conditioned on the faithful performance of all
17 duties required by law toward all persons who may employ him in his official
18 capacity as notary public, or that the notary maintains a minimum of ten thousand
19 dollars in errors and omissions insurance coverage.

20 * * *

21 E. The commission of any qualified notary, other than a licensed attorney at
22 law, who fails to renew his notarial bond timely or who fails to timely file his new
23 or renewed bond or evidence of insurance coverage, as provided in Paragraph (D)(2)
24 of this Section, shall be automatically suspended, and the notary shall have no
25 authority to exercise any of the ~~duties or~~ functions of a notary public until the

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 required bond or insurance is in force and effect, and the bond or evidence of
2 insurance has been filed with the secretary of state. ~~This penalty shall be in addition~~
3 ~~to the filing fee required for renewal of the bond.~~

4 * * *

5 §191. Appointment; qualifications and bond; examination; examiners

6 A.

7 * * *

8 (3)(a) A valid notarial commission shall be one that has not been revoked or
9 resigned, and that was issued to a person who, at the time of issuance in accordance
10 with the provisions of this Section, possessed the qualifications for office set forth
11 in Paragraph (A)(1) and Subsection B of this Section, and who is currently possessed
12 of those qualifications.

13 (b) A validly appointed notary public is a person who currently holds a valid
14 notarial commission.

15 (c) A notarial commission that has been or is currently suspended by a court
16 of competent jurisdiction as provided by R.S. 35:71(C), or otherwise by operation
17 of law pursuant to R.S. 35:14 or for the failure of the notary to maintain the required
18 bond or insurance, or for failure to timely file the annual report as provided by law,
19 shall not, solely for the reason that it is a suspended commission, be deemed an
20 invalid notarial commission.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____