HLS 18RS-1870 ORIGINAL

2018 Regular Session

1

HOUSE CONCURRENT RESOLUTION NO. 31

BY REPRESENTATIVE GAROFALO

NOTARIES: Directs the Louisiana State Law Institute to study and make recommendations relative to electronic notarial acts

A CONCURRENT RESOLUTION

2	To authorize and direct the Louisiana State Law Institute to prepare proposed legislation
3	providing for the enactment of an electronic notary law in Louisiana, and to report
4	its findings to the Louisiana Legislature no later than February 1, 2019.
5	WHEREAS, the Louisiana Legislature enacted Act No. 244 in the 2001 Regular
6	Session of the Legislature and created the Louisiana Uniform Electronic Transactions Act
7	(R.S. 9:2601 et seq.), and R.S. 9:2611 specifically provides for the electronic signature of
8	a notary, but does not provide any guidance or standards for how electronic notarization can
9	be achieved; and
10	WHEREAS, House Concurrent Resolution No. 218 of the 2015 Regular Session of
11	the Legislature urged and requested the Louisiana State Law Institute to study and make
12	recommendations regarding the enactment of an electronic notary law, and specifically
13	whether Louisiana should enact law providing for the use of technology to execute
14	notarizations when the signor is not in the notary's physical presence; and
15	WHEREAS, in fulfillment of the request of House Concurrent Resolution No. 218,
16	the Louisiana State Law Institute created the Electronic Signatures Study Group, which is
17	comprised of members who represent the clerks of court, secretary of state, and other
18	interests; and

1	WHEREAS, in order to address the requests of House Concurrent Resolution No.
2	218, the Electronic Signatures Study Group met on November 4, 2016, and delivered an
3	interim report to the Louisiana Legislature on January 27, 2017; and
4	WHEREAS, the interim report of the Louisiana State Law Institute Electronic
5	Signatures Study Group reported that the study group agreed that the enactment of an
6	electronic notary law in Louisiana is advisable, and the study group would continue to
7	research relevant issues in order to prepare recommendations to the Louisiana Legislature;
8	and
9	WHEREAS, audio and video conference technology has continued to develop and
10	is becoming more widely available and used by notaries public in other states to
11	electronically notarize documents when the signor is not in the presence of the notary, and
12	Louisiana law does not currently recognize such remote on-line notarization; and
13	WHEREAS, with the evolution of technology and the increasing use of technology
14	to facilitate commerce and banking, a number of states now allow for electronic notarization
15	of electronic records, as distinguished from traditional pen and paper notarization; and
16	WHEREAS, a similar law in Louisiana would allow businesses to utilize current
17	technology in an effort to facilitate transactions and to efficiently and safely serve customers.
18	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
19	authorize and direct the Louisiana State Law Institute to prepare proposed legislation
20	providing for the enactment of an electronic notary law.
21	BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby
22	authorize and direct the Louisiana State Law Institute to include representatives of the
23	secretary of state, clerks of court, Louisiana Notary Association, Louisiana Bankers
24	Association, Louisiana State Bar Association, Louisiana Association of Independent Land
25	Title Agents, and the Louisiana Land Title Association, to the extent not already included
26	in the study group.
27	BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
28	proposed legislation to the Louisiana Legislature no later than February 1, 2019.
29	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
30	director of the Louisiana State Law Institute.

HLS 18RS-1870 ORIGINAL HCR NO. 31

## **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)]

HCR 31 Original

2018 Regular Session

Garofalo

Directs the Louisiana State Law Institute to prepare proposed legislation providing for the enactment of an electronic notary law.