HLS 18RS-1870 ENGROSSED

2018 Regular Session

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

| 1 | A CONCURRENT RESOLUTION |
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| 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. |
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| 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, |
| 12 | becoming commonly known as "remote online notarization", and Louisiana law does not |
| 13 | currently recognize such remote online notarization; and |
| 14 | WHEREAS, with the evolution of technology and the increasing use of technology |
| 15 | to facilitate commerce and banking, a number of states now allow for electronic notarization |
| 16 | of electronic records, as distinguished from traditional pen and paper notarization; and |
| 17 | WHEREAS, a similar law in Louisiana would allow businesses to utilize current |
| 18 | technology in an effort to facilitate transactions and to efficiently and safely serve customers. |
| 19 | THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby |
| 20 | authorize and direct the Louisiana State Law Institute to prepare proposed legislation |
| 21 | providing for the enactment of an electronic notary law. |
| 22 | BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby |
| 23 | authorize and direct the Louisiana State Law Institute to include representatives of the |
| 24 | secretary of state, clerks of court, Louisiana Notary Association, Louisiana Bankers |
| 25 | Association, Louisiana State Bar Association, Louisiana Association of Independent Land |
| 26 | Title Agents, and the Louisiana Land Title Association, to the extent not already included |
| 27 | in the study group. |
| 28 | BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit |
| 29 | proposed legislation to the Louisiana Legislature no later than February 1, 2019. |

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BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the

2 director of the Louisiana State Law Institute.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Civil Law and Procedure</u> to the <u>original</u> bill:

1. Add reference to "remote online notarization".