

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 31

BY REPRESENTATIVE GAROFALO

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to prepare proposed legislation providing for the enactment of an electronic notary law in Louisiana, and to report its findings to the Louisiana Legislature no later than February 1, 2019.

WHEREAS, the Louisiana Legislature enacted Act No. 244 in the 2001 Regular Session of the Legislature and created the Louisiana Uniform Electronic Transactions Act (R.S. 9:2601 et seq.), and R.S. 9:2611 specifically provides for the electronic signature of a notary, but does not provide any guidance or standards for how electronic notarization can be achieved; and

WHEREAS, House Concurrent Resolution No. 218 of the 2015 Regular Session of the Legislature urged and requested the Louisiana State Law Institute to study and make recommendations regarding the enactment of an electronic notary law, and specifically whether Louisiana should enact law providing for the use of technology to execute notarizations when the signor is not in the notary's physical presence; and

WHEREAS, in fulfillment of the request of House Concurrent Resolution No. 218, the Louisiana State Law Institute created the Electronic Signatures Study Group, which is comprised of members who represent the clerks of court, secretary of state, and other interests; and

WHEREAS, in order to address the requests of House Concurrent Resolution No. 218, the Electronic Signatures Study Group met on November 4, 2016, and delivered an interim report to the Louisiana Legislature on January 27, 2017; and

WHEREAS, the interim report of the Louisiana State Law Institute Electronic Signatures Study Group reported that the study group agreed that the enactment of an electronic notary law in Louisiana is advisable, and the study group would continue to

research relevant issues in order to prepare recommendations to the Louisiana Legislature;  
and

WHEREAS, audio and video conference technology has continued to develop and is becoming more widely available and used by notaries public in other states to electronically notarize documents when the signor is not in the presence of the notary, becoming commonly known as "remote online notarization", and Louisiana law does not currently recognize such remote online notarization; and

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to prepare proposed legislation providing for the enactment of an electronic notary law.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to include representatives of the secretary of state, clerks of court, Louisiana Notary Association, Louisiana Bankers Association, Louisiana State Bar Association, Louisiana Association of Independent Land Title Agents, and the Louisiana Land Title Association, to the extent not already included in the study group.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit proposed legislation to the Louisiana Legislature no later than February 1, 2019.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE