

Regular Session, 2012

HOUSE BILL NO. 929

BY REPRESENTATIVE MILLER

NOTARIES: Provides with respect to notaries

1 AN ACT

2 To amend and reenact R.S. 35:191(A)(1)(d) and (e), 191.2(3), 191.4(B) through (H), and
3 192(A), and to enact R.S. 35:191(A)(1)(f) and (g), 191.1(C), and 191.4(I), relative
4 to notaries; to provide for qualifications of notaries; to provide for education of
5 notaries; to provide for fees; to provide for requirements for instructors; to provide
6 for bonding requirements for certain notaries; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 35:191(A)(1)(d) and (e), 191.2(3), 191.4(B) through (H), and 192(A)
9 are hereby amended and reenacted and R.S. 35:191(A)(1)(f) and (g), 191.1(C), and 191.4(I)
10 are hereby enacted to read as follows:

11 §191. Appointment; qualifications; examination

12 A.(1) Any person may be appointed a notary public in and for the parish in
13 which he resides and in and for any one other parish in which he maintains an office,
14 provided that he:

15 * * *

16 (d) Has received a high school diploma, has received a diploma for
17 completion of a home study program approved by the State Board of Elementary and
18 Secondary Education, or has been issued a high school equivalency diploma after
19 successfully completing the test of General Educational Development.

1 ~~B.C.~~ Each provider shall submit an annual registration statement to the
2 secretary of state on or before January first of each year beginning January 1, 2010.
3 The secretary of state shall provide the form to be used for registration with the
4 secretary of state and all registrations shall be submitted on the form provided by the
5 secretary of state.

6 ~~C.D.~~ Each provider, except an educational institution that operates under the
7 oversight of the Board of Regents, Board of Supervisors for the University of
8 Louisiana System, Board of Supervisors of Louisiana State University and
9 Agricultural and Mechanical College, Board of Supervisors of Southern University
10 and Agricultural and Mechanical College or Board of Supervisors of Community and
11 Technical Colleges, shall annually post a bond guaranteed by a commercial surety
12 licensed to do business in this state with the secretary of state in the amount of
13 twenty-five thousand dollars. The bond shall be to insure the performance of the
14 provider's obligation to deliver any educational services contracted for and shall
15 remain in effect for a period of one year.

16 ~~D.E.~~ Beginning in 2010, each provider shall submit a semi-annual report to
17 the secretary of state on or before June thirtieth and December thirty-first listing the
18 name and address of each person who received a course or courses of instruction or
19 study from the provider for the training and instruction for the Louisiana notary
20 public examination required for the office of notary public during the time period
21 covered by the report. The secretary of state shall provide the form to be used for the
22 semi-annual report and all reports shall be submitted on the form provided by the
23 secretary of state or on a form which contains the same information as required by
24 the report provided by the secretary of state.

25 ~~E.F.~~(1) The secretary of state may impose a penalty of not more than one
26 thousand dollars per day against a provider who is not in compliance with the
27 requirements of this Section.

28 (2) If a penalty imposed under the provisions of this Section is not timely
29 paid by a provider within thirty days of imposition of the penalty by the secretary of

1 state, the attorney general shall institute proceedings against the provider to collect
2 such penalty.

3 ~~F.G.~~ Each provider shall be exempt from the licensing requirements of R.S.
4 17:3141.1 et seq., pertaining to such educational programs or instruction.

5 ~~G.H.~~ The secretary of state may establish and require an annual professional
6 development and education program for providers.

7 ~~H.I.~~ The secretary of state may promulgate rules and regulations, where
8 necessary, for implementation of the provisions of this Section, in accordance with
9 the Administrative Procedure Act.

10 §192. Execution and recordation of bond; filing of certificate of competency

11 A. The bond required of notaries by R.S. 35:191 shall be submitted to the
12 clerk of court and exofficio recorder of mortgages for the parish where the notary
13 will exercise the functions of his office, and, together with the certificate of
14 competency above provided for, shall be filed in the office of the secretary of state.

15 The bond shall be subscribed in favor of the governor; approved by the clerk, ~~except~~
16 ~~in Orleans Parish~~; and if secured by personal surety, recorded in the mortgage office
17 of the ~~said~~ parish in a special book kept for that purpose. ~~In Orleans Parish, the bond~~
18 ~~shall be approved by the custodian of notarial records.~~

19 * * *

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)]

Miller HB No. 929

Abstract: Provides for qualifications, education, and bonding of notaries, and provides requirements for notary instructors.

Present law provides for the qualifications required to be appointed a notary public which include being a resident citizen or alien of this state, being 18 years of age or older, being able to read, write, and speak the English language, and not be under interdiction.

Proposed law retains present law and also requires that the person has received a high school diploma, has received a diploma for completion of a home study program approved by the State Board of Elementary and Secondary Education, or has been issued a high school

equivalency diploma after successfully completing the test of General Educational Development.

Proposed law requires that the person not be convicted of a felony in this state or convicted of a crime in any other state or country which crime would be a felony in this state.

Proposed law authorizes the secretary of state to develop a notary education program.

Proposed law authorizes the secretary of state to increase the fee from \$10 to \$25 for receiving and processing the annual report of each notary.

Proposed law provides that beginning on Feb. 28, 2015, each person who provides notary examination preparatory education and instruction shall be required to be a commissioned notary public with statewide notarial authority.

Present law provides exceptions to certain bonding requirements for notaries in Orleans Parish, and provides that in Orleans Parish, the bond shall be approved by the custodian of notarial records.

Proposed law removes the exception from bonding requirements and the requirement of approval by the custodian of notarial records for notaries in Orleans Parish.

(Amends R.S. 35:191(A)(1)(d) and (e), 191.2(3), 191.4(B) - (H), and 192(A); Adds R.S. 35:191(A)(1)(f) and (g), 191.1(C), and 191.4(I))