

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 to
4 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.

20 ~~(d)~~(e) Is not under interdiction or incapable of serving as a notary because
21 of mental infirmity.

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

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

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

23 (2) If a penalty imposed under the provisions of this Section is not timely
24 paid by a provider within thirty days of imposition of the penalty by the secretary of
25 state, the attorney general shall institute proceedings against the provider to collect
26 such penalty.

27 ~~F.G.~~ Each provider shall be exempt from the licensing requirements of R.S.
28 17:3141.1 et seq., pertaining to such educational programs or instruction.

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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Changed reference from "notary educational professionals" to "academically credentialed education professionals".
2. Deleted outdated reference to a special book kept for the purpose of subscribing surety bonds.

House Floor Amendments to the engrossed bill.

1. Changed provision to specify that a person not convicted of a felony may be appointed a notary public.