
DIGEST

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Barras

HB No. 1192

Abstract: Provides for the qualifications, bonding, and supervision of certain notaries who reside in a parish with a population of less than 40,000.

Present law provides for the appointment, qualifications, and examination of persons in order to be commissioned as a notary public.

Proposed law provides that any person who resides in a parish with a population of less than 40,000, and who has passed two of three components of the statewide notary examination during examinations administered between Dec. 1, 2009, and Dec. 31, 2012, may be provisionally appointed to the office of notary public in and for that parish, and that any person who resides in a parish with a population of less than 40,000 and who passes the examination, except for any performance assessment component, during examinations administered after Jan. 1, 2013, and before Aug. 1, 2016, may be provisionally appointed to the office of notary public in and for that parish.

Proposed law provides that any notary commissioned pursuant to proposed law shall exercise notarial functions only within the course and scope of his employment and under the direction of a supervisor for the employer, and provides that an "employer" shall not include a business whose primary function is to provide notary services.

Proposed law provides for those actions which shall be deemed to be within the course and scope of employment, and provides for the jurisdiction of the notary.

Proposed law requires the notary to post and maintain a bond, at the expense of the employer, with a commercial surety licensed in this state, in the amount of \$20,000, and provides that the employer shall hold the notary harmless for any claim made against his bond when the notary is acting in the course and scope of the employment or under the direction of the employer.

Proposed law requires the notary to submit a statement signed by the applicant and the employer, and provides for the contents of the statement.

Proposed law provides for the revocation of the notary commission upon termination from employment, and provides for provisional active or inactive status depending on whether the notary is re-employed or successfully completes the remainder of the notary examination.

Proposed law provides for revocation of the notary commission upon a determination by the

court or the secretary of state that the notary exceeded his authority, or upon violation of any other provision of law providing for the revocation or suspension of a notary commission.

Provides that no notarial act executed by a notary commissioned pursuant to proposed law shall be deemed invalid or unenforceable as a notarial act solely on the basis that the execution of the act exceeded the limitations of the notary's authority.

Proposed law provides that an employer shall have no liability to any person for any damages caused by the negligent or fraudulent errors or omissions by any notary commissioned pursuant to proposed law when the notary acts outside the course and scope of his employment.

Provides that the provisions of proposed law shall expire on Aug. 1, 2016, and any commission granted pursuant to proposed law shall also expire on that date, except if the notary has, subsequent to issuance of a commission, passed all components of the examination on or before Aug. 1, 2016.

(Adds R.S. 35:191(W))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added provision that a provisionally inactive notary may have his status changed by the secretary of state if he completes the performance assessment or other portion of the exam.
2. Added provisions for the revocation of the notary commission.
3. Made technical changes.