
SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 929 by Representative Miller

1 AMENDMENT NO. 1

2 On page 1, line 3, after "R.S. 35:" insert "15, 15.1,"

3 AMENDMENT NO. 2

4 On page 1, line 6, after "certain notaries;" insert:

5 "to provide for revocation or suspension of notarial commissions and powers
6 under certain circumstances; to provide terms, conditions, procedures and
7 requirements;"

8 AMENDMENT NO. 3

9 On page 1, line 9, after "amended and reenacted and R.S. 35:" insert "15, 15.1,"

10 AMENDMENT NO. 4

11 On page 1, between lines 10 and 11, insert the following:

12 "§15. Revocation or suspension of notarial commission or authority to exercise
13 notarial powers

14 A. A notary public who is not an attorney may have their notarial commission
15 and powers revoked or suspended when it is demonstrated, by clear and convincing
16 evidence after rule to show cause, that the notary has engaged in any of the
17 following:

18 (1) Dishonesty, fraud, deceit, or misrepresentation.

19 (2) Conviction of a felony for which no pardon has been issued.

20 (3) Gross misconduct or malfeasance in the exercise of their notarial powers.

21 (4) Certifying as true what they knew or should have known was false.

22 (5) Violation of any provision of this Title, or any other law governing the office
23 of notary public or the exercise of any notarial power or duty.

24 (6) Ceasing to possess any qualification required for holding their commission as
25 a notary public.

26 (7) Abandonment of their commission.

27 B. The rule to show cause shall be instituted by the district attorney or the
28 attorney general in the district court of either the parish in which the notary is
29 commissioned or the parish where the conduct complained of occurred. Such rule to
30 show cause shall be tried contradictorily with the notary public in summary
31 proceeding.

32 C. (1) If after a hearing the court finds that the notary public was convicted
33 of a felony for which no pardon has been issued, or engaged in an act of gross
34 misconduct or malfeasance in the exercise of their notarial powers, or ceased to

1 possess any qualification required for holding their commission, the court shall order
2 the revocation of the notary's commission and shall prohibit the notary from the
3 further exercise of notarial powers.

4 (2) If after hearing the court finds that the notary public committed any other act set
5 forth in Subsection A of this Section, the court may revoke the notary's commission
6 and prohibit the notary from further exercise of notarial powers, or may suspend their
7 commission and authority to exercise notarial powers for a specific period of time,
8 to be determined by the court.

9 D. A court ordering the revocation of a notary's commission or the
10 suspension of his notarial powers shall further cast the notary in judgment for
11 attorney fees and court costs. The court may additionally order restitution to be paid
12 by the notary public to such persons as the court determines were damaged by the
13 conduct giving rise to the suspension of notarial powers or the revocation of
14 commission.

15 E. When the rule to show cause is instituted against a person for their actions
16 as an ex-officio notary public, or for their performance of notarial powers on behalf
17 of an employer as authorized by law, then the person appointing the ex-officio notary
18 or the person's employer, as applicable, shall also be named as a defendant and
19 required to show cause why the appointment or authorization should not be revoked.
20 Any additional defendant named pursuant to this Subsection shall not be cast in
21 judgment for attorney fees, costs, or restitution.

22 F. The provisions of this Section shall not apply to an attorney licensed to
23 practice law in this state who exercises notarial powers.

24 §15.1. Administrative revocation of notarial commission or authority

25 A. The secretary of state shall suspend the commission of a notary public
26 who is not an attorney when the notary ceases to be a registered voter in the parish
27 of that notary's commission, or is convicted of a felony in a trial court. The secretary
28 of state shall send a notice of suspension by certified mail, return receipt requested,
29 to the notary public stating the reasons for his suspension.

30 B. If the suspension arises from failure of the notary to be registered as a
31 voter in their parish of commission, the notice of suspension shall give the notary
32 public ten days from the date of receipt to register as a voter in the parish of his
33 commission. If the notary public fails to do so, the secretary of state shall notify the
34 district attorney of the parish in which the notary is commissioned for the purpose
35 of institution of a rule to show cause to revoke the commission pursuant to R.S.
36 35:15.

37 C. If the suspension arises from conviction of a felony in a trial court, the
38 period of suspension shall continue until the conviction is final and all appellate
39 review of the original trial court proceedings has been exhausted. If the conviction
40 is reversed upon appeal, or if a pardon is issued for the conviction, the suspension
41 shall terminate and the commission shall be reinstated. When the conviction is final
42 and all appellate review of the original trial court proceedings is exhausted, and if no
43 pardon has been issued, the secretary of state shall notify the district attorney of the
44 parish in which the notary is commissioned for the purpose of institution of a rule to
45 show cause to revoke the commission pursuant to R.S. 35:15.

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