

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

NOTARIES. Provides with respect to notaries.

-----

DIGEST

Proposed law provides for the manner in which a non-attorney notary public may have their notarial commission and powers revoked for a specific period of time as a result of certain defined conduct, through a rule to show cause and subsequent contradictory hearing, which action may be filed in district court by the district attorney in certain parishes or the attorney general. Proposed law further provides that, for ex-officio notaries, their employer may be named as a defendant in the rule to show cause action, not be case for costs of the proceeding, but only to show cause why the notary's commission should not be suspended or revoked.

Proposed law further provides for the manner in which the secretary of state shall suspend the commission of a non-attorney notary public when the notary is no longer a registered voter in the parish of their commission, or is convicted of a felony. Further provides for the manner in which such notary shall be notified of the suspension and may appeal the suspension.

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 if convicted, has been pardoned.

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))

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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Adds provisions relative to grounds and procedures for revocation or suspension of non-attorney notary's commission.