

## HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 929 by Representative Miller

NOTARIES: Provides with respect to notaries

### Synopsis of Senate Amendments

1. Added provisions relative to the revocation or suspension of a notarial commission or authority to exercise notarial powers.
2. Added provisions for the administrative revocation of a notarial commission or authority.
3. Added technical legislative bureau amendments.

### Digest of Bill as Finally Passed by Senate

Proposed law provides for the manner in which a non-attorney notary public may have his 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, the employer of the notary may be named as a defendant in the rule to show cause action to show cause why the notary's commission should not be suspended or revoked. Provides that such an additional defendant shall not be cast in judgment for attorney fees, costs, or restitution.

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 provides procedures for the appeal of such 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 must have 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. 35:15, 15.1, 191(A)(1)(f) and (g), 191.1(C), and 191.4(I))