Regular Session, 2010

HOUSE BILL NO. 357

BY REPRESENTATIVE GALLOT

NOTARIES: Provides relative to notary commissions for nonresident persons licensed to practice law in La.

1	AN ACT
2	To amend and reenact R.S. 35:191(A)(1) and (P)(1)(a) and to enact R.S. 35:191(E)(3),
3	relative to notaries public; to provide for the commission of certain persons licensed
4	to practice law in Louisiana; to provide for changes in the parish of commission; to
5	provide relative to statewide authority; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 35:191(A)(1) and (P)(1)(a) are hereby amended and reenacted and
8	R.S. 35:191(E)(3) is enacted to read as follows:
9	§191. Appointment; qualifications; examination
10	A.(1)(a) Any person may be appointed a notary public in and for the parish
11	in which he resides and in and for any one other parish in which he maintains an
12	office, provided that he:
13	(a)(i) Is a resident citizen or alien of this state.
14	(b)(ii) Is eighteen years of age or older.
15	(c)(iii) Reads, writes, speaks, and is sufficiently knowledgeable of the
16	English language.
17	(d)(iv) Is not under interdiction or incapable of serving as a notary because
18	of mental infirmity.
19	(e)(v) Meets the requirements established by law for each commission
20	sought.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(b) Notwithstanding the requirements of Subparagraph (A)(1)(a) and
2	Subsection B of this Section, any person who is not a resident of this state but who
3	is licensed to practice law in this state and maintains an office in this state may be
4	appointed a notary public in and for the parish in which his office is located.
5	* * *
6	E.
7	* * *
8	(3) A notary licensed to practice law in this state who is establishing an
9	office in a parish other than the parish of his commission which was based on the
10	location of his office and who seeks a commission in the parish of the new office
11	shall be deemed to be validly commissioned in the parish of his former office for a
12	period of sixty days, during which time he shall meet all the qualifications for
13	appointment, except taking and passing an examination, in and for the parish of the
14	new office.
15	* * *
16	P.(1)(a) Notwithstanding any other provision of law to the contrary,
17	including but not limited to the provisions of Subsection E of this Section and the
18	duties imposed in that Subsection as a result of a change in residence or office, each
19	person who is licensed to practice law in this state who is a notary public in and for
20	any parish in this state may exercise the functions of a notary public in every parish
21	in this state.
22	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Gallot

HB No. 357

Abstract: Provides that any person who is not a resident of this state but who is licensed to practice law in this state and maintains an office in this state may be appointed a notary public in and for the parish in which his office is located.

<u>Present law</u> provides that any person may be appointed a notary public in and for the parish in which he resides and in and for any one other parish in which he maintains an office, provided that he: (1) is a resident citizen or alien of this state; (2) is 18 years of age or older; (3) reads, writes, speaks, and is sufficiently knowledgeable of the English language; (4) is not under interdiction or incapable of serving as a notary because of mental infirmity; and (5) meets the requirements established by law for each commission sought.

<u>Present law</u> requires a resident seeking appointment as a notary to be a registered voter of his parish of residence.

<u>Proposed law provides that notwithstanding the requirements of present law</u>, any person who is not a resident of this state but who is licensed to practice law in this state and maintains an office in this state may be appointed a notary public in and for the parish in which his office is located.

<u>Present law</u> provides that a notary who is establishing a residence in a parish other than the parish of his commission and who seeks a commission in the parish of the new residence shall be deemed to be validly commissioned in the parish of his former residence for a period of 60 days.

<u>Proposed law</u> provides that a notary licensed to practice law in this state who is establishing an office in a parish other than the parish of his commission which was based on the location of his office and who seeks a commission in the parish of the new office shall be deemed to be validly commissioned in the parish of his former office for a period of 60 days.

<u>Present law</u> provides that notwithstanding the duties to meet the qualifications as a notary imposed as a result of a change in residence, each person who is licensed to practice law in this state who is a notary public in and for any parish in this state may exercise the functions of a notary public in every parish in this state.

<u>Proposed law</u> retains <u>present law</u> but also includes the duties to meet the qualifications as a notary imposed as a result of a change in the location of the notary's office.

(Amends R.S. 35:191(A)(1) and (P)(1)(a); Adds R.S. 35:191(E)(3))