

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 enact R.S. 35:412, relative to notaries public; to provide for the appointment of certain
3 persons licensed to practice law in Louisiana as notaries public ex officio; to provide
4 for statewide authority; to require bond or insurance; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 35:412 is hereby enacted to read as follows:

8 §412. Ex officio notaries; non-resident persons licensed to practice law with offices
9 in this state

10 A. A person licensed to practice law in this state who is not a resident of this
11 state but who maintains an office for the practice of law in this state, shall be a
12 notary public ex officio and is authorized and empowered to exercise all the powers
13 and functions of a regularly commissioned notary public in this state in any parish
14 in this state upon filing a certificate of good standing from the Louisiana Supreme
15 Court with the secretary of state.

16 B. No person qualified under this Section shall be required to otherwise
17 qualify for, or hold, a regular commission as notary public to exercise such powers;
18 however, the notary public ex officio shall furnish his current office address and
19 residence address to the secretary of state as the registrar of notaries for the state.

1 C. Notwithstanding any provision of law to the contrary, any person
2 exercising notarial functions pursuant to this Section is authorized to use the
3 designation “notary public” with respect to the exercise of his powers, and shall be
4 required to post bond or maintain insurance as required by the provisions of R.S.
5 35:71.

6 D. A notary public ex officio exercising notarial functions as authorized by
7 the provisions of this Section may charge fees for notary services commensurate with
8 the reasonable and customary fees for notarial services in the parish or parishes
9 where the notary public ex officio maintains his office.

10 E. Any exercise of notarial powers pursuant to the provisions of this Section
11 shall be deemed the practice of law for purposes of regulation by the Louisiana
12 Supreme Court.

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 ex officio.

Present law provides that any person may be appointed a notary public in and for the parish in which he resides 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.

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

Proposed law provides that a person licensed to practice law in this state who is not a resident of this state but who maintains an office for the practice of law in this state, shall be a notary public ex officio and is authorized and empowered to exercise all the powers and functions of a regularly commissioned notary public in this state in any parish in this state upon filing a certificate of good standing from the La. Supreme Court with the secretary of state.

Proposed law provides that no person qualified under proposed law shall be required to otherwise qualify for, or hold, a regular commission as notary public to exercise such powers; proposed law also provides that the notary public ex officio shall furnish his current

office address and residence address to the secretary of state as the registrar of notaries for the state.

Proposed law provides that notwithstanding any provision of law to the contrary, any person exercising notarial functions pursuant to proposed law is authorized to use the designation “notary public” with respect to the exercise of his powers, and shall be required to post bond or maintain insurance as required by the provisions of R.S. 35:71.

Proposed law provides that a notary public ex officio exercising notarial functions as authorized by the provisions of proposed law may charge fees for notary services commensurate with the reasonable and customary fees for notarial services in the parish or parishes where the notary public ex officio maintains his office.

Proposed law provides that any exercise of notarial powers pursuant to the provisions of proposed law shall be deemed the practice of law for purposes of regulation by the La. Supreme Court.

(Adds R.S. 35:412)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Deleted all provisions of proposed law.
2. Added provision appointing any nonresident attorney licensed to practice law and maintaining an office for the practice of law in this state as a notary public ex officio.
3. Added provisions relative to additional qualifications and requirement to obtain a bond or insurance.
4. Added provision authorizing the notary public ex officio to charge fees for services.
5. Added provision authorizing the La. Supreme Court to regulate the practices of the notary public ex officio.