

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 218

BY REPRESENTATIVE GAROFALO

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the need for and feasibility of adopting an electronic notary law and specifically whether Louisiana should adopt laws providing for the use of technology to execute notarizations when the signor is not in the notary's physical presence, and to report its findings to the Louisiana Legislature no later than February 1, 2017.

WHEREAS, with the evolution of technology and the increasing use of technology to facilitate commerce and banking, a number of states now allow for electronic notarization of electronic records, as distinguished from traditional pen and paper notarization; and

WHEREAS, electronic notarization is a process whereby a notary affixes an electronic notary signature and seal information to an electronic document; and

WHEREAS, the Louisiana Legislature enacted Act 244 in the 2001 Regular Session and created the Louisiana Uniform Electronic Transaction Act (R.S. 9:2601 et seq.), and R.S. 9:2611 specifically provides for the electronic signature of a notary, but does not provide any guidance or standards for how electronic notarization can be achieved; and

WHEREAS, audio and video conference technology has continued to develop and is becoming more widely available and used, and in 2012, a law became effective in Virginia allowing notary publics to electronically notarize documents when the signor is not in the notary's presence if satisfactory evidence of the signer's identity is established using audio and video conference technology; and

WHEREAS, the Virginia law requires parties to the notary transaction to be able to simultaneously see and speak to one another, the signal transmission to be live (real time), and the signal transmission to be secure from interception through lawful means by anyone other than the persons communicating; and

WHEREAS, the Virginia law provides detailed procedures for confirming the identity of a signor, and requires the electronic notary to maintain a copy of the recording of the video and audio conference, thereby establishing safeguards to help protect against fraud while allowing individuals and businesses to take advantage of the latest technology in an effort to facilitate transactions; and

WHEREAS, a similar law in Louisiana would allow businesses to utilize current technology in an effort to facilitate transactions and to efficiently and safely serve customers.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations regarding the adoption of an electronic notary law.

BE IT FURTHER RESOLVED that the Legislature does hereby urge and request the Louisiana State Law Institute to study and make recommendations for the use of technology to execute notarizations when the signor is not in the notary's physical presence.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit a written report of its findings, together with any proposed legislation, to the Legislature of Louisiana no later than February 1, 2017.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE