The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

SB 358 Original 2018 Regular Session Luneau

Proposed law authorizes electronic notarial acts and electronic notaries public.

Proposed law provides definitions and procedures for an applicant to be qualified by the secretary of state as an electronic notary public. Provides for the adoption of rules to implement its provisions.

Proposed law provides requirements for performing and keeping of records of electronic notarial acts, and for termination of commission. Provides procedures for an electronic notarial act.

Present law in Civil Code provides relative to authentic acts. Provides that an authentic act is a writing executed before a notary public or other officer authorized to perform that function, in the presence of two witnesses, and signed by each party who executed it, by each witness, and by each notary public before whom it was executed.

Proposed law retains present law and adds that for its purposes, a person may physically appear before the notary public or authorized officer taking the acknowledgment or may appear by an online, internet-based, two-way audio and video communication that meets the electronic notarial act requirements. Further provides that a writing executed by electronic means before an electronic notary public for an electronic notarial act that otherwise meets the requirements of the present law shall be considered an authentic act.

Effective August 1, 2018.

(Amends C.C. Art. 1833; adds R.S. 35:621-632)