

HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 358 by Senator Luneau

1 AMENDMENT NO. 1

2 On page 1, line 4, after "electronic" and before "notarial" insert "and online"

3 AMENDMENT NO. 2

4 On page 1, between lines 13 and 14, insert the following:

5 **"(1) "Communication technology" means an electronic device or**
 6 **process that allows a notary public physically located in this state and a**
 7 **remotely located individual to communicate with each other**
 8 **simultaneously by sight and sound, and which, as necessary, makes**
 9 **reasonable accommodations for individuals with vision, hearing, or**
 10 **speech impairments."**

11 AMENDMENT NO. 3

12 On page 1, at the beginning of line 14, change "**(1)**" to "**(2)**"

13 AMENDMENT NO. 4

14 On page 2, at the beginning of line 1, change "**(2)**" to "**(3)**"

15 AMENDMENT NO. 5

16 On page 2, at the beginning of line 4, change "**(3)**" to "**(4)**"

17 AMENDMENT NO. 6

18 On page 2, at the beginning of line 8, change "**(4)**" to "**(5)**"

19 AMENDMENT NO. 7

20 On page 2, at the beginning of line 16, change "**(5)**" to "**(6)**"

21 AMENDMENT NO. 8

22 On page 2, at the beginning of line 20, change "**(6)**" to "**(7)**"

23 AMENDMENT NO. 9

24 On page 2, at the beginning of line 23, change "**(7)**" to "**(8)**"

25 AMENDMENT NO. 10

26 On page 2, line 25, after "**act**" and before "**is**" insert "**or online notarial act**"

27 AMENDMENT NO. 11

28 On page 2, at the end of line 26, change the period "." to a comma "," and insert "**or by**
 29 **means of analysis of biometric data such as, but not limited to, facial recognition,**
 30 **voiceprint analysis, or fingerprint analysis.**"

1 AMENDMENT NO. 12

2 On page 2, delete lines 27 and 28 in their entirety

3 AMENDMENT NO. 13

4 On page 4, line 4, after "meet" and before "standards" change "the same" to "the greater
5 of"

6 AMENDMENT NO. 14

7 On page 4, at the end of line 5, delete the period "." and insert "or the standards set forth
8 in this Chapter."

9 AMENDMENT NO. 15

10 On page 4, delete line 10 in its entirety

11 AMENDMENT NO. 16

12 On page 4, line 18, after "acts" delete the remainder of the line and delete line 19 in its
13 entirety and insert a period "·."

14 AMENDMENT NO. 17

15 On page 4, at the end of line 20, insert "and online notarial acts"

16 AMENDMENT NO. 18

17 On page 4, at the end of line 23, delete the period "." and insert "and online notarial acts."

18 AMENDMENT NO. 19

19 On page 4, after line 29, add the following:

20 "D. A notary public authorized to perform electronic notarial
21 acts or online electronic acts must be physically located within this state
22 when performing an electronic notarial act or online notarial act."

23 AMENDMENT NO. 20

24 On page 5, line 5, after "least" and before "years" change "five" to "ten"

25 AMENDMENT NO. 21

26 On page 5, at the end of line 6, change the period "." to a comma "·" and insert the following:

27 "provided, however, if the electronic notarial act contains a term,
28 the electronic record required by Subsection A of this Section shall be
29 maintained for ten years after the expiration of such term.

30 C. The electronic record required by Subsection A of this Section
31 shall be maintained on devices designed to securely maintain electronic
32 data which are located within the state of Louisiana and shall be
33 duplicated in accordance with commercially reasonable business
34 practices to prevent loss in the event of disaster or other casualty."

1 AMENDMENT NO. 22

2 On page 6, line 9, after "**pursuant**" delete the remainder of the line and delete lines 10 and
3 11 in their entirety and insert "**to this Chapter.**"

4 AMENDMENT NO. 23

5 On page 6, delete lines 17 through 22 in their entirety and insert the following:

6 **§629. Online notarial act procedures**

7 **A. A notary public may perform an online notarial act**
8 **authorized under this Chapter that meets the requirements of this**
9 **Chapter and rules adopted under this Chapter regardless of whether the**
10 **principal is physically located in this state at the time of the remote**
11 **online notarization.**

12 **B. In performing an online notarial act, a notary public shall**
13 **verify the identity of the principal at the time that the signature of the**
14 **principal is taken by using communication technology that meets the**
15 **requirements of this Chapter and rules adopted under this Chapter.**
16 **Identity of the principal and witnesses appearing remotely may be**
17 **verified by the notary public's personal knowledge of the person creating**
18 **the electronic signature or by all of the following:**

19 **(1) Remote presentation by the principal of a government-issued**
20 **identification credential, including a passport or driver's license, that**
21 **contains the signature and a photograph of the principal.**

22 **(2) Credential analysis.**

23 **(3) Identity proofing.**

24 **C. A notary public performing an online notarial act shall take**
25 **reasonable steps to ensure that the communication technology used in**
26 **each online notarial act is secure from unauthorized interception.**

27 **D. The electronic notarial certificate for any online notarial act**
28 **shall state the physical locations of each principal and of each witness**
29 **and shall state that the notarial act is an online notarial act."**

30 AMENDMENT NO. 24

31 On page 6, at the beginning of line 23, change "**§629**" to "**§630**"

32 AMENDMENT NO. 25

33 On page 6, at the beginning of line 28, change "**§630**" to "**§631**"

34 AMENDMENT NO. 26

35 On page 7, between lines 3 and 4, insert the following:

36 **§632. Acts excluded from this Chapter**

37 **Any act which is not authorized to be executed electronically by**
38 **the Louisiana Uniform Electronic Transactions Act (La. R.S. 9:2601, et**
39 **seq.) may not be executed as an electronic notarial act or online notarial**
40 **act.**

41 **§633. Acts involving Louisiana property**

42 **Any electronic notarial act or online notarial act affecting**
43 **property located in Louisiana is deemed to have occurred in Louisiana,**
44 **regardless of the location of the notary public, principal, or witnesses at**
45 **the time of the electronic notarial act or online notarial act, and such**
46 **acts shall be executed in accordance with the standards of this Chapter**
47 **and the rules promulgated in accordance with this Chapter. Any**

1 electronic notarial act or online notarial act affecting property located
2 in Louisiana not executed in accordance with the standards of this
3 Chapter and the rules promulgated in accordance with this Chapter
4 shall be considered relatively null.

5 §634. Duplicate execution; counterparts

6 A. An act executed both by electronic means and by physical
7 signature, whether as duplicates or counterparts, are deemed to
8 constitute the same act.

9 B. A failure in technology causing a promissory note to be
10 executed both by electronic means and by physical act shall be deemed
11 to be the execution of one promissory note and shall not create an
12 obligation to pay the same sum under both notes.

13 C. A contract executed in part by electronic means and in part
14 by physical means shall constitute one act."