
DIGEST

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HB 514 Engrossed

2019 Regular Session

Garofalo

Abstract: Provides for recordation of tangible copies of electronic acts; allows for the performance of notarial functions remotely through the use of technology; and provides for limitations, qualifications, procedures, duties, and rulemaking relative to the performance of remote online notarization.

Proposed law (C.C. Art. 3344 and R.S. 9:2760) allows for the recordation of tangible copies of electronic acts.

Proposed law (R.S. 35:623) provides for the legal effect of remote online notarization.

Proposed law (R.S. 35:624) authorizes the secretary of state to adopt rules in order to develop and maintain standards to implement proposed law.

Proposed law (R.S. 35:625) provides for the process and requirements necessary to become and remain authorized to perform remote online notarizations, including the requirement that the secretary of state may only authorize a regularly commissioned notary public who holds a valid notarial commission in this state.

Proposed law (R.S. 35:626(A)) provides for the locations of the notary public, parties, and witnesses to a remote online notarial act, requires the notary public to be physically located in a parish where the notary is authorized to exercise the function of a notary public, and proposed law (R.S. 35:626(B)) provides for the location of a remote online notarial act.

Proposed law (R.S. 35:627(A)) provides procedures for a notary public to verify the identity of parties and witnesses to a remote online notarial act.

Proposed law (R.S. 35:627(B)) requires a notary public performing remote online notarization to include in a remote online notarial act a statement that it is a remote online notarial act and to electronically and digitally sign the remote online notarial act.

Proposed law (R.S. 35:628) provides for duties of the notary public in performing remote online notarization.

Proposed law (R.S. 35:629(A)) requires a notary public to maintain electronic copies and audio-video recordings of each remote online notarization for at least ten years after the date of the remote online notarization.

Proposed law (R.S. 35:629(B)) allows a notary public to designate a custodian to maintain the electronic records required by proposed law.

Proposed law (R.S. 35:630) prohibits contractual modification of the provisions of proposed law.

Effective Feb. 1, 2021.

(Amends C.C. Art. 3344(A)(intro. para.); Adds R.S. 9:2760 and R.S. 35:621-630)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Change the proposed law deadline for adoption of rules and the effective date of the Act from Aug. 1, 2020, to Feb. 1, 2021.
2. Specify that only regularly commissioned notaries may be authorized by the secretary of state to perform remote online notarization.
3. Require the notary public to be physically located in a parish where the notary is authorized to exercise the function of a notary public.