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**HOUSE COMMITTEE AMENDMENTS**

2020 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 122 by Representative Gregory Miller

AMENDMENT NO. 1

On page 1, delete lines 2 through 8 and insert the following:

"To enact the Chapter 11 of Title 35 of the Louisiana Statutes of 1950, to be comprised of R.S. 35:701 through 702, relative to the effect of remote notarization during certain emergencies and disasters; to provide for notary services during the COVID-19 public health emergency; to provide relative to the ratification of Section 6 of Proclamation 37-JBE-2020 and Part C of Section 5 of Proclamation 41-JBE-2020; to provide for retroactive and prospective application; to provide for effectiveness, and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete lines 10 through 20 and delete pages 2 through 7 in their entirety and insert the following:

"Section 1. Chapter 11 of Title 35 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 35:701 through 702, is hereby enacted to read as follows:

CHAPTER 11. MODIFICATION OF PRESENCE REQUIREMENT FOR NOTARY  
FUNCTIONS PERFORMED DURING 2020 COVID-19 PUBLIC HEALTH  
EMERGENCY

§701. Purpose; ratification

A. The legislature finds that the COVID-19 public health emergency created a statewide emergency disrupting the ability of notaries public to be in the physical presence of persons whose signatures the notary public was authenticating. This Chapter is enacted for the benefit and protection of the state as a whole and its citizens, to prevent injustice, inequity, undue hardship, and disruption of transactions to persons relying on the authentication of signatures of persons not in the physical presence of a notary public by a notary public who authenticated the signature through electronic means using audio-video communication. Therefore, this Chapter shall be liberally construed to effect its purposes.

B. The action of the governor of this state in issuing Section 6 of Proclamation 37-JBE-2020 and Part C of Section 5 of Proclamation 41-JBE-2020 is hereby approved, ratified, and confirmed subject to the provisions of this Part.

§702. Remote notarization authorized

A. Notwithstanding any law to the contrary, any act in which any person or witness appeared before a notary public using an electronic device or process which allowed all such persons and the notary public to communicate simultaneously by sight and sound and to which the electronic signatures of such persons, witnesses, and the notary public were affixed on or after March 11, 2020 and before May 1, 2020, shall have the same force and effect as if all persons, witnesses, and the notary public had been in the physical presence of each other.

B. The provisions of Subsection A of this Section shall not apply to any testament, trust instrument, donation inter vivos, matrimonial agreement, act modifying, waiving, or extinguishing an obligation of final spousal support, or any amendments to such acts, or authentic acts.

1                   C. Any act which would constitute an authentic act but for the appearance  
2                   of one or more necessary persons via electronic means, may still be valid as an  
3                   act under private signature or an acknowledged act.

4                   Section 2. The provisions of this Act shall preempt and supersede but not  
5                   repeal any conflicting provision of the Civil Code or any other provision of law to  
6                   the extent that such provision conflicts with the provisions of this Act.

7                   Section 3. This Act is declared to be interpretative, curative, and  
8                   procedural, and therefore is to be applied retroactively as well as prospectively.

9                   Section 4. The Louisiana State Law Institute is hereby directed to include  
10                  as notes to this Act Proclamation 37-JBE-2020 and Proclamation 41-JBE-2020.

11                  Section 5. This Act shall become effective upon signature by the governor  
12                  or, if not signed by the governor, upon expiration of the time for bills to become  
13                  law without signature by the governor, as provided by Article III, Section 18 of  
14                  the Constitution of Louisiana. If vetoed by the governor and subsequently  
15                  approved by the legislature, this Act shall become effective on the day following  
16                  such approval."