

RÉSUMÉ DIGEST

ACT 131 (HB 122)

2020 Regular Session

Gregory Miller

New law ratifies Section 6 of Proclamation No. 37 JBE 2020 and Part C of Section 5 of Proclamation No. 41 JBE 2020 related to remote notarization during the COVID-19 public health emergency from March 11, 2020, until April 30, 2020.

New law provides for appearances before a notary public using an electronic device or process that allowed such persons and notary public to communicate simultaneously by sight and sound and affix electronic signatures.

New law provides that transactions authenticated through electronic notarization during the period of March 11, 2020, until April 30, 2020, shall have the same force and effect as if the parties to the transaction, witnesses, and notary public had been in the physical presence of each other.

New law does 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.

New law provides that any act which would constitute an authentic act but for the appearance of one or more necessary persons via electronic means may still be a valid act under private signature or acknowledged act.

New law applies retroactively as well as prospectively.

Effective upon signature of governor (June 9, 2020).

(Adds R.S. 35:701 and 702)