

GREEN SHEET REDIGEST

HB 259

2025 Regular Session

Taylor

NOTARIES: Provides relative to bonds for notaries public.

DIGEST

Present law (R.S. 35:71(A)) provides that notaries public maintain a bond in the amount of \$10,000 conditioned on the faithful performance of all duties required by law toward all who may employ him in his official capacity as a notary public.

Proposed law changes present law and provides that notaries public maintain a bond in the amount of \$50,000.

Present law provides that as an alternative to maintaining a bond, notaries public may maintain a minimum of \$10,000 in errors and omissions insurance coverage.

Proposed law changes present law and removes the option of errors and omissions insurance coverage.

Present law (R.S. 35:71(A)(2)) provides that the provisions of present law shall not be applicable to notarial bonds which are currently valid and enforceable until such bonds expire and are required to be renewed.

Proposed law repeals present law.

Present law (R.S. 36:192(A)) provides that the bond required of notaries shall be submitted to the clerk of court for the parish where the notary will exercise the functions of his office and the bond shall be approved by the clerk.

Proposed law removes the requirement in present law that the bond is submitted to and approved by the clerk of court in the parish where the notary will exercise the functions of his office.

Present law provides that the bond shall be subscribed in favor of the governor and if secured by personal surety, recorded in the mortgage office of the parish.

Proposed law provides that if the bond is a special mortgage, it shall also be recorded in the mortgage office of the parish.

Proposed law (R.S. 35:192(C)) provides that in all cases where a notary furnishes a bond signed by a surety company authorized to do business in this state, it shall not be necessary to record the bond with the clerk of court or have the bond approved by the clerk of court.

Present law (R.S. 39:342) provides that the bond required of notaries shall be submitted to the clerk of court for the parish where the notary exercises the functions of his office. Together with the certificate of competency the bond shall be filed in the office of the commissioner of administration.

Proposed law repeals present law.

Effective February 1, 2026.

(Amends R.S. 35:71(A), (B), (D)(2), and (E), 191(A)(3)(c), 192(A), 201(A)(3), 391(6), and 412(C); adds R.S. 35:192(C); repeals R.S. 39:342)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Provide for an effective date of Feb. 1, 2026.
3. Remove the provision in present law which provides that the provisions of proposed law shall not be applicable to notarial bonds which are currently valid and enforceable until such bonds expire and are required to be renewed.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Increases the bond amount that a notary public must maintain from \$25,000 to \$50,000.