

Regular Session, 2014

HOUSE BILL NO. 243

BY REPRESENTATIVE BARRAS

NOTARIES: Authorizes the appointment of notaries public based on a pre-assessment test administered by the secretary of state

1 AN ACT

2 To amend and reenact R.S. 35:191(C)(2) and to enact R.S. 35:191(C)(3), relative to notaries
3 public; to provide for the administration of a pre-assessment test; to provide for the
4 qualification to take the pre-assessment test; to provide for exceptions; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 35:191(C)(2) is hereby amended and reenacted and R.S.
8 35:191(C)(3) is hereby enacted to read as follows:

9 §191. Appointment; qualifications; examination

10 * * *

11 C. Each applicant, otherwise qualified, may be appointed a notary public in
12 and for a parish upon meeting all of the following conditions:

13 * * *

14 (2)(a) Taking a pre-assessment test, with no minimum score required,
15 administered by the secretary of state to assess the probability of the applicant
16 passing the examination as provided in R.S. 35:191.1.

17 (b) To qualify to take the pre-assessment test, the applicant shall have
18 satisfied all requirements to be commissioned as a notary public in the parish, except
19 for passing the examination as provided in R.S. 35:191.1.

1 (c) The pre-assessment test provided by this Paragraph shall be dispensed
 2 with if the applicant has been duly admitted to practice law in this state or holds a
 3 valid notarial commission in this state.

4 (3)(a) Taking and passing a written examination, as provided in R.S.
 5 35:191.1, administered by the secretary of state.

6 (b)(i) The notary examination shall be given twice per year on the first
 7 Saturday of June and December. Should the scheduled Saturday be a state holiday,
 8 then the next non-holiday Saturday shall be the test date.

9 (ii) To qualify to be examined, the candidate shall have satisfied all
 10 requirements to be commissioned as a notary public in the parish, except for passing
 11 the examination.

12 (iii) The qualified candidate shall be permitted to register for any notary
 13 public examinations administered by the secretary of state within one year after the
 14 date the secretary of state notifies the candidate of his approval to take the
 15 examination. No further application fee shall be required during this period. The
 16 required examination fee, however, shall be paid for each examination.

17 (c) The examination provided for in this Paragraph shall be dispensed with
 18 if the applicant has been duly admitted to practice law in this state or holds a valid
 19 notarial commission in this state.

20 * * *

21 Section 2. This Act shall become effective upon signature by the governor or, if not
 22 signed by the governor, upon expiration of the time for bills to become law without signature
 23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 25 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Barras

HB No. 243

Abstract: Adds the requirement of taking a pre-assessment test administered by the secretary of state in order to qualify as a notary public.

Present law requires, as a prerequisite to being commissioned as a notary public, the taking and passing of a written examination, as provided in R.S. 35:191.1, administered by the secretary of state.

Present law provides the times for administering the notary examination and the qualifications for the candidate.

Present law provides an exemption from the requirement to take the examination for applicants admitted to practice law.

Proposed law retains present law and requires that an applicant take a pre-assessment test administered by the secretary of state.

Proposed law provides that in order to qualify to take the pre-assessment test, the applicant shall have satisfied all requirements to be commissioned as a notary public in the parish, except for passing the examination as provided by R.S. 35:191.1.

Proposed law exempts from the pre-assessment test an applicant who is admitted to practice law or who holds a valid notarial commission in this state.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 35:191(C)(2); Adds R.S. 35:191(C)(3))