

2015 Regular Session

HOUSE BILL NO. 372

BY REPRESENTATIVE GAROFALO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

NOTARIES: Provides relative to notaries and notary examinations

1 AN ACT

2 To amend and reenact R.S. 35:202(A) and to enact R.S. 35:191.1(B)(3) and (4), relative to
3 notaries public; to require the secretary of state to make certain information publicly
4 accessible; to require certain information on the required annual report; to provide
5 for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 35:202(A) is hereby amended and reenacted and R.S. 35:191.1(B)(3)
8 and (4) are enacted to read as follows:

9 §191.1. Secretary of state; uniform statewide standards, rules, and procedures for
10 notarial examinations

11 * * *

12 B. The secretary of state shall also:

13 * * *

14 (3) List on the official website of the secretary of state the passage rates for
15 the uniform statewide notarial examinations administered during the most recent
16 three-year period, with new results being posted on the website within sixty days
17 after the initial notice to the examinees of their examination results. In addition to
18 the overall passage rate for each examination, all of the following information shall
19 be provided:

20 (a) The passage rate for each section of the examination.

21 (b) The total number of examinees that passed the overall examination.

1 (c) The total number of examinees that passed each section of the
2 examination.

3 (d) The total number of examinees that took the examination.

4 (e) The names of the examination graders of the uniform statewide notary
5 exam.

6 (4) Compile and make public the results of the annual report survey
7 questions contained in R.S. 35:202(A)(2).

8 * * *

9 §202. Annual report; filing fee; penalties; suspension

10 A.(1) Except as provided in Subsection F of this Section, all regularly
11 commissioned non-attorney notaries shall file an annual report with the secretary of
12 state on or before the anniversary date of his commission on the form developed and
13 mailed, or provided by electronic means, by the secretary of state pursuant to R.S.
14 35:191.2(2)(a), together with payment of the filing fee established by the secretary
15 of state pursuant to R.S. 35:191.2(3). The annual report shall be completed in full
16 and signed by the notary.

17 (2) The annual report provided by this Section shall include the following
18 questions, which shall be answered by all regularly commissioned non-attorney
19 notaries:

20 (a) Have you used your notarial commission during the past year?

21 (b) Do you notarize documents for the general public for a fee?

22 (3)(a) A notary who fails to answer the questions provided by Paragraph (2)
23 of this Subsection shall be deemed to have failed to file his fully completed annual
24 report, and shall be subject to the provisions of Subsection C of this Section.

25 (b) A notary who knowingly provides false answers to the questions
26 provided by Paragraph (2) of this Subsection may have his commission revoked or
27 suspended pursuant to R.S. 35:15.

28 * * *

29 Section 2. This Act shall become effective on January 11, 2016.

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)]

HB 372 Engrossed

2015 Regular Session

Garofalo

Abstract: Requires the secretary of state to post certain information on its website regarding the passage rate of the uniform notarial examination, and subjects notaries to suspension or revocation of their commissions for failure to fully complete the required annual report.

Present law requires the secretary of state to develop uniform statewide standards for notarial examinations which include all of the following:

- (1) The procedures and rules for administering and grading the examination for applicants required to take an examination.
- (2) The format and content of the examination.
- (3) The procedures for review by the secretary of state of any examination which was taken and failed by the examinee.

Present law also requires the secretary of state to charge a fee not to exceed \$75 for each examinee taking an examination and to publish and make available to the public a document containing the material and sources from which examination questions are devised for a fee not to exceed \$100.

Proposed law retains present law and requires the secretary of state to list and make available on its website the exam passage rate during the most recent three-year period, a list of the names of the examination graders, and the results of the annual report survey questions.

Present law requires regularly commissioned non-attorney notaries to file an annual report with the secretary of state on the form developed by the secretary of state, together with payment of the filing fee established by the secretary of state.

Proposed law requires non-attorney notaries to state on the annual report whether they used their notarial commissions during the past year, and whether they notarize documents for the general public for a fee.

Proposed law provides that failure to include the required information shall result in the notary being deemed to have failed to file his fully completed annual report and having his commission automatically suspended, and provides that if a notary knowingly answered the questions falsely, his commission may be revoked or suspended pursuant to present law.

Effective Jan. 11, 2016.

(Amends R.S. 35:202(A); Adds R.S. 35:191.1(B)(3) and (4))

Summary of Amendments Adopted by House

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

1. Add a technical amendment.

2. Add a provision specifying that filing an incomplete report subjects the provisional notary to the provisions of R.S. 35:202(C), which provides for automatic suspension of the notary's commission.
3. Change the effective date from Jan. 1, 2016 to Jan. 11, 2016.