

2016 Regular Session

HOUSE BILL NO. 456

BY REPRESENTATIVE SHADOIN

NOTARIES: Provides with respect to the revocation of notarial commissions

1 AN ACT

2 To amend and reenact R.S. 35:15(A)(4) and 16(B) and (C), relative to notaries public; to
3 provide relative to the revocation of notarial commissions; to provide for revocation
4 of a notarial commission under certain circumstances; to provide for notification to
5 the attorney general; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 35:15(A)(4) and 16(B) and (C) are hereby amended and reenacted
8 to read as follows:

9 §15. Revocation or suspension of notarial commission or authority to exercise
10 notarial powers

11 A. A notary public who is not an attorney may have his notarial commission
12 and powers revoked or suspended when it is demonstrated, by clear and convincing
13 evidence after a rule to show cause, that the notary has engaged in any of the
14 following:

15 * * *

16 (4) ~~Certifying~~ Officially certifying as true what he knew or should have
17 known was false.

18 * * *

19 §16. Administrative revocation of notarial commission or authority

20 * * *

1 B. If the suspension arises from failure of the notary to be registered as a
 2 voter in his parish of commission, the notice of suspension shall give the notary
 3 public ten days from the date of receipt to register as a voter in the parish of his
 4 commission. If the notary public fails to do so, the secretary of state shall notify the
 5 attorney general or the district attorney of the parish in which the notary is
 6 commissioned for the purpose of instituting a rule to show cause to revoke the
 7 commission pursuant to R.S. 35:15.

8 C. If the suspension arises from conviction of a felony, the period of
 9 suspension shall continue until the conviction is final and all appellate review of the
 10 original trial court proceedings has been exhausted. If the conviction is reversed
 11 upon appeal, or if a pardon is issued for the conviction, the suspension shall
 12 terminate and the commission shall be reinstated. When the conviction is final and
 13 all appellate review of the original trial court proceedings is exhausted, and if no
 14 pardon has been issued, the secretary of state shall notify the attorney general or the
 15 district attorney of the parish in which the notary is commissioned for the purpose
 16 of instituting a rule to show cause to revoke the commission pursuant to R.S. 35:15.

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 456 Reengrossed

2016 Regular Session

Shadoin

Abstract: Requires that notice of the proceedings to revoke the commission of a notary public be given to the attorney general.

Present law provides that a notary public who is not an attorney may have his notarial commission and powers revoked or suspended when it is demonstrated that the notary has engaged in any of the following:

- (1) Dishonesty, fraud, deceit, or misrepresentation.
- (2) A felony for which he has been convicted and no pardon has been issued.
- (3) Gross misconduct or malfeasance in the exercise of his notarial powers.
- (4) Certifying as true what he knew or should have known was false.
- (5) Violation of any provision of this Title, or any other law governing the office of notary public or the exercise of any notarial power or duty.
- (6) Ceasing to possess any qualification required for holding his commission as a notary public.
- (7) Abandonment of his commission.

Proposed law retains present law and specifies that the notary has "officially" certified as true what he knew or should have known was false in order to have his notarial commission and powers revoked or suspended.

Present law provides for revocation of the notarial commission of a notary for failure to register as a voter in the parish of his commission and for the conviction of a felony and provides for notice to the district attorney for purposes of the revocation proceedings.

Proposed law retains present law and requires that notice of the revocation proceedings also be given to the attorney general.

(Amends R.S. 35:15(A)(4) and 16(B) and (C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Adds provision specifying that the notary is "officially" certifying as true what he knew or should have known was false.