

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 86

BY REPRESENTATIVE GAROFALO

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations for the enactment of laws for the implementation of notaries public with limited authority, and to submit a written report of its findings and recommendations to the legislature.

WHEREAS, Louisiana currently has a unique system of laws as compared to other states relative to the commissioning of notaries public; and

WHEREAS, a Louisiana notary public has broad authority which parallels many of the same areas of authority of an attorney licensed to practice law in this state; and

WHEREAS, due to the broad authority provided to Louisiana notaries public, persons desiring to obtain a notarial commission are required to meet certain specific qualifications, including passing a very rigorous uniform examination which results in fewer notaries public available to meet the needs of the public; and

WHEREAS, notaries public in every other state have very limited notarial authority, and their services are more frequently used for the purpose of witnessing the signature of an affiant; and

WHEREAS, because such notaries public in other states have limited notarial authority, the criteria to become a notary public in those states is less stringent, which allows for increased availability of notaries public to serve the public; and

WHEREAS, having certain notaries public with limited authority in Louisiana with similar limited authority as those notaries that exist in other states would be beneficial to the citizens and businesses of this state who frequently need a notary of only limited authority to witness their signature on a document; and

WHEREAS, businesses frequently only need the services of a notary public with limited authority to witness signatures, and a notary regime that allows an existing employee

of that business to become a notary with limited authority would allow that business to be more efficient and offer its customers better service; and

WHEREAS, businesses moving to Louisiana or considering moving to Louisiana should be provided with a notary environment consistent with the state from which the business is moving.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study the laws relative to notaries public in this state and other states with particular focus on the implementation of notaries public with limited authority, and to submit a written report of its findings, proposed legislation, and recommendations to the legislature no later than February 1, 2019.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE