
DIGEST

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HB 122 Engrossed

2020 Regular Session

Gregory Miller

Abstract: Provides for ratification of Section 6 of Proclamation 37-JBE-2020 and Part C of Section 5 of Proclamation 41-JBE-2020 regarding remote notarization during the COVID-19 public health emergency.

Proposed law ratifies Section 6 of Proclamation 37-JBE-2020 and Part C of Section 5 of Proclamation 41-JBE-2020 related to remote notarization during the COVID-19 public health emergency from March 11, 2020, until April 30, 2020.

Proposed law provides for appearances before a notary public using an electronic device or process that allowed such persons and notary public to communicate simultaneously by sight and sound and affix electronic signatures.

Proposed law provides that transactions authenticated through electronic notarization during the period of March 11, 2020, until April 30, 2020, shall have the same force and effect as if the parties to the transaction, witnesses, and notary public had been in the physical presence of each other.

Proposed law does not apply to any testament, trust instrument, donation inter vivos, matrimonial agreement, act modifying, waiving, or extinguishing an obligation of final spousal support, or any amendments to such acts, or authentic acts.

Proposed law provides that any act which would constitute an authentic act but for the appearance of one or more necessary persons via electronic means, may still be a valid act under private signature or acknowledged act.

Proposed law applies retroactively as well as prospectively.

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

(Adds R.S. 35:701 and 702)

Summary of Amendments Adopted by House

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

1. Remove the proposed legislation and provide for ratification of Section 6 of Proclamation 37-JBE-2020 and Part C of Section 5 of Proclamation 41-JBE-2020 regarding transactions authenticated through electronic notarization during the period of March 11, 2020, through April 30, 2020.
2. Provide that proposed law supersedes certain provisions of present law.
3. Provide that proposed law is to be applied retroactively.
4. Direct the La. State Law Institute to include notes regarding certain executive orders.
5. Provide for effectiveness upon signature of governor.