

## RÉSUMÉ DIGEST

**ACT 254 (HB 274)**

**2020 Regular Session**

**Garofalo**

New law (C.C. Art. 3344 and R.S. 9:2760) allows for the recordation of tangible copies of electronic acts.

New law (R.S. 35:623) provides for the legal effect of remote online notarization.

New law (R.S. 35:6) authorizes remote online notarization by states other than Louisiana and the District of Columbia.

New law (R.S. 35:624) authorizes the secretary of state to form a stakeholder committee and to adopt rules in order to develop and maintain standards to implement new law.

New law (R.S. 35:625) provides that any regularly commissioned notary public in Louisiana is authorized to perform remote online notarizations. New law will cease to be effective on Feb. 1, 2022.

New law (R.S. 35:625.1) provides for the process and requirements necessary to become and remain authorized to perform remote online notarizations, including the requirement that the secretary of state may only authorize a regularly commissioned notary public who holds a valid notarial commission in this state.

New law (R.S. 35:626(A)) provides for the locations of the notary public, parties, and witnesses to a remote online notarial act, requires the notary public to be physically located in a parish where the notary is authorized to exercise the function of a notary public, and new law (R.S. 35:626(B)) provides for the location of a remote online notarial act.

New law (R.S. 35:627(A)) provides procedures for a notary public to verify the identity of parties and witnesses to a remote online notarial act.

New law (R.S. 35:627(B)) requires a notary public performing remote online notarization to include in a remote online notarial act a statement that it is a remote online notarial act and to electronically and digitally sign the remote online notarial act.

New law (R.S. 35:628) provides for duties of the notary public in performing remote online notarization.

New law (R.S. 35:629(A)) requires a notary public to maintain electronic copies and audio-video recordings of each remote online notarization for at least 10 years after the date of the remote online notarization.

New law (R.S. 35:629(B)) allows a notary public to designate a custodian to maintain the electronic records required by new law.

New law (R.S. 35:630) prohibits contractual modification of the provisions of new law.

New law amending C.C. Art. 3344(A) and R.S. 35:6 and enacting R.S. 9:2760 shall become effective on Aug. 1, 2020.

New law enacting R.S. 35:621, 622, 623, 624, 626, 627, 628, 629, and 630 shall become effective upon the later of the enactment of the SECURE Notarization Act or Aug. 1, 2020. If the SECURE Notarization Act is not enacted prior to Feb. 1, 2022, R.S. 35:621, 622, 623, 624, 626, 627, 628, 629, and 630 of new law shall become effective on Feb. 1, 2022.

New law enacting R.S. 35:625 and 625.1 is contingent upon enactment of the SECURE Notarization Act. If the SECURE Notarization Act is enacted, R.S. 35:625 and 625.1 of new law shall become effective upon the later of the enactment of the SECURE Notarization Act or Aug. 1, 2020.

(Amends C.C. Art. 3344(A)(intro. para.) and R.S. 35:6; Adds R.S. 9:2760 and R.S. 35:621-630)