

2025 Regular Session

HOUSE BILL NO. 259

BY REPRESENTATIVE TAYLOR

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

NOTARIES: Provides relative to bonds for notaries public

1 AN ACT

2 To amend and reenact R.S. 35:71(A)(1), (B), (D)(2), and (E), 191(A)(3)(c), 192(A),
3 201(A)(3), 391(6), and 412(C), to enact R.S. 35:192(C), and to repeal R.S. 39:342,
4 relative to bonds of notaries public; to provide relative to the bond amount notaries
5 public are required to maintain; to provide relative to insurance requirements for
6 notaries public; to provide relative to the filing requirements for bonds of notaries
7 public; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 35:71(A)(1), (B), (D)(2), and (E), 191(A)(3)(c), 192(A), 201(A)(3),
10 391(6) and 412(C) are hereby amended and reenacted and R.S. 35:192(C) is hereby enacted
11 to read as follows:

12 §71. Requirement of bond ~~or insurance~~; suspension of notarial commissions;
13 renewal of bonds ~~or insurance~~; penalty

14 A.(1) Unless otherwise provided by law, the authority of a notary public to
15 exercise any of the functions of a notary public within his jurisdictional limits shall
16 remain in effect, provided that the notary posts and maintains bond, with good and
17 solvent security, in the amount of ~~ten~~ twenty-five thousand dollars conditioned on
18 the faithful performance of all duties required by law toward all persons who may
19 employ him in his official capacity as notary public, ~~or that the notary maintains a~~
20 ~~minimum of ten thousand dollars in errors and omissions insurance coverage.~~

21 * * *

B. All notaries required to post bond, ~~or required to maintain insurance coverage in lieu of posting bond in accordance with this Section,~~ shall file their bond or ~~evidence of current insurance coverage~~ with the secretary of state, and shall maintain on file with the secretary of state their bond ~~or evidence of current insurance coverage at all times.~~

6 * * *

7 D.

8 * *

(2) All notaries required to renew their bonds shall file the new or renewed bond ~~or evidence of current insurance coverage~~ with the secretary of state as provided in Subsection B of this Section.

E. The commission of any qualified notary, other than a licensed attorney at law, who fails to renew his notarial bond timely or who fails to timely file his new or renewed bond ~~or evidence of insurance coverage~~, as provided in Paragraph (D)(2) of this Section, shall be automatically suspended, and the notary shall have no authority to exercise any of the functions of a notary public until the required bond ~~or insurance~~ is in force and effect, and the bond ~~or evidence of insurance~~ has been filed with the secretary of state.

19 * * *

20 §191. Appointment; qualifications; examination

21 A.

22 * * *

23 (3)

24 * * *

(c) A notarial commission that has been or is currently suspended by a court of competent jurisdiction as provided by R.S. 35:71(C), or otherwise by operation of law pursuant to R.S. 35:14 or for the failure of the notary to maintain the required bond or insurance, or for failure to timely file the annual report as provided by law,

1 shall not, solely for the reason that it is a suspended commission, be deemed an
2 invalid notarial commission.

3 * * *

4 §192. Execution and recordation of bond; filing of certificate of competency

5 A. The bond required of notaries by ~~R.S. 35:191~~ shall be submitted to the
6 clerk of court and ex officio recorder of mortgages for the parish where the notary
7 will exercise the functions of his office, and, together with the certificate of
8 competency above provided for, R.S. 35:71 shall be filed in the office of the
9 secretary of state. The bond shall be subscribed in favor of the governor, ~~approved~~
10 ~~by the clerk~~, and if a special mortgage or secured by personal surety, recorded in the
11 mortgage office of the parish.

12 * * *

13 C. Notwithstanding any provisions of law to the contrary, in all cases where
14 a notary furnishes a bond signed by a surety company authorized to do business in
15 this state, it shall not be necessary to record the bond with the clerk of court or have
16 the bond approved by the clerk of court.

17 * * *

18 §201. Granting of commission; prerequisites

19 A. Before the governor shall issue to the applicant a commission of notary
20 public for any parish, he shall require of him the production of all of the following:

21 * * *

22 (3) His bond, properly executed, approved, and registered as provided in ~~R.S.~~
23 ~~35:192~~, or evidence of current insurance coverage as required by ~~R.S. 35:71~~ R.S.
24 35:71.

25 * * *

26 §391. Ex officio notaries; qualifications

27 Any person may be appointed an ex officio notary as authorized in this
28 Chapter, provided he:

29 * * *

(6) Has given bond, with good and solvent security, in the sum of ~~ten~~
twenty-five thousand dollars conditioned for the faithful performance of all duties
required by law toward all persons who may employ him in his profession of ex
officio notary, ~~or he has maintained a minimum of ten thousand dollars in errors and~~
~~omissions insurance coverage.~~

* * *

§412. Ex officio notaries; nonresident persons licensed to practice law with offices
in this state

* * *

C. Notwithstanding any provision of law to the contrary, any person
exercising notarial functions pursuant to this Section is authorized to use the
designation "notary public ex officio" with respect to the exercise of his powers, and
shall be required to post bond ~~or maintain insurance as required by the provisions of~~
~~R.S. 35:71.~~

* * *

Section 2. R.S. 39:342 is hereby be repealed in its entirety.

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 259 Original

2025 Regular Session

Taylor

Abstract: Provides relative to the requirements for bonds for notaries public.

Present law (R.S. 35:71(A)) provides that notaries public maintain a bond in the amount of \$10,000 conditioned on the faithful performance of all duties required by law toward all who may employ him in his official capacity as a notary public.

Proposed law changes present law and provides that notaries public maintain a bond in the amount of \$25,000.

Present law provides that as an alternative to maintaining a bond, notaries public may maintain a minimum of \$10,000 in errors and omissions insurance coverage.

Proposed law changes present law and removes the option of errors and omissions insurance coverage.

Present law (R.S. 36:192(A)) provides that the bond required of notaries shall be submitted to the clerk of court for the parish where the notary will exercise the functions of his office and the bond shall be approved by the clerk.

Proposed law removes the requirement in present law that the bond is submitted to and approved by the clerk of court in the parish where the notary will exercise the functions of his office.

Present law provides that the bond shall be subscribed in favor of the governor and if secured by personal surety, recorded in the mortgage office of the parish.

Proposed law provides that if the bond is a special mortgage, it shall also be recorded in the mortgage office of the parish.

Proposed law (R.S. 35:192(C)) provides that in all cases where a notary furnishes a bond signed by a surety company authorized to do business in this state, it shall not be necessary to record the bond with the clerk of court or have the bond approved by the clerk of court.

Present law (R.S. 39:342) provides that the bond required of notaries shall be submitted to the clerk of court for the parish where the notary will exercise the functions of his office. Together with the certificate of competency the bond shall be filed in the office of the commissioner of administration.

Proposed law repeals present law.

(Amends R.S. 35:71(A)(1), (B),(D)(2), and (E), 191(A)(3)(c), 192(A), 201(A)(3), 391(6), and 412(C); Adds R.S. 35:192(C); Repeals R.S. 39:342)