

ACT No. 258

2025 Regular Session

HOUSE BILL NO. 259

BY REPRESENTATIVE TAYLOR

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

~~(2) The provisions of this Section shall not be applicable to notarial bonds which are currently valid and enforceable until such bonds expire and are required to be renewed.~~

* * *

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

6 * * *

7 D.

8 * * *

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

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

19 * * *

20 §191. Appointment; qualifications; examination

21 A.

22 * * *

23 (3)

24 * * *

25 (c) A notarial commission that has been or is currently suspended by a court
 26 of competent jurisdiction as provided by R.S. 35:71(C), or otherwise by operation
 27 of law pursuant to R.S. 35:14 or for the failure of the notary to maintain the required
 28 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 * * *

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

6 * * *

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

9 * * *

10 C. Notwithstanding any provision of law to the contrary, any person
11 exercising notarial functions pursuant to this Section is authorized to use the
12 designation "notary public ex officio" with respect to the exercise of his powers, and
13 shall be required to post bond ~~or maintain insurance as required by the provisions of~~
14 ~~R.S. 35:71~~ as required by the provisions of R.S. 35:391(6).

15 * * *

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

17 Section 3. The provisions of this Act shall become effective on February 1, 2026.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____