

2026 Regular Session

SENATE RESOLUTION NO. 140

BY SENATOR MILLER

NOTARIES. Requests the Louisiana State Law Institute to study and recommend legislation relative to the acknowledgment of acts under private signature by simultaneous audiovisual transmission as a procedure separate from remote online notarization.

1 A RESOLUTION

2 To urge and request the Louisiana State Law Institute to study and recommend legislation
3 relative to the acknowledgment of acts under private signature pursuant to Civil
4 Code Article 1836 by simultaneous audiovisual transmission as a procedure separate
5 from remote online notarization.

6 WHEREAS, remote online notarization is a formal process by which a notarial act
7 is performed by means of communication technology in accordance with R.S. 35:621 et seq.,
8 and generally assumes that a party appears before a notary public by communication
9 technology at the time of execution of the instrument; and

10 WHEREAS, in all other respects, a remote online notarial act shall comply with other
11 applicable laws and regulations governing the manner of execution of that act; and

12 WHEREAS, R.S. 35:623(B) provides that certain instruments shall not be executed
13 by remote online notarization, including testaments or codicils thereto; trust instruments or
14 acknowledgments thereof; donations inter vivos; matrimonial agreements or
15 acknowledgments thereof; acts modifying, waiving, or extinguishing an obligation of final
16 spousal support; and authentic acts; and

17 WHEREAS, Louisiana law does not authorize remote online notarization to execute
18 an authentic act as defined in Civil Code Article 1833; and

1 WHEREAS, notwithstanding those limitations, an act that fails to be authentic as a
2 result of being executed by remote online notarization may still be valid as an act under
3 private signature or as an acknowledged act pursuant to Civil Code Article 1836; and

4 WHEREAS, when an act under private signature is acknowledged in conformity with
5 Civil Code Article 1836, it is regarded prima facie as the true and genuine act of a party
6 executing it and shall be admitted in evidence without further proof; and

7 WHEREAS, Civil Code Article 1836 provides that an act under private signature
8 may be acknowledged by recognizing the signature as the signature of the party who
9 executed the act, before a court, a notary public, or another officer authorized to perform that
10 function, in the presence of two witnesses; and

11 WHEREAS, an acknowledgment in accordance with Civil Code Article 1836 is not
12 itself the execution of the underlying private signature instrument, but a later recognition
13 pursuant to an oral declaration concerning a signature already affixed to the instrument; and

14 WHEREAS, Code of Civil Procedure Article 1436.1 permits a deposition to be taken
15 by telephone or other remote electronic means if agreed to by all parties or ordered by the
16 court; and

17 WHEREAS, pursuant to Code of Civil Procedure Article 1434, the deposition must
18 be taken before a notary or other officer authorized to administer oaths who is not an
19 employee or attorney of any party and is not otherwise interested in the outcome of the case;
20 and

21 WHEREAS, Code of Civil Procedure Article 1443 requires the officer before whom
22 the deposition is taken to administer the oath or affirmation and to record the testimony
23 personally or by someone acting under the officer's direction and in the officer's presence;
24 and

25 WHEREAS, Louisiana law also authorizes remote live testimony in open court upon
26 a showing of appropriate safeguards pursuant to Code of Civil Procedure Article 1633.1; and

27 WHEREAS, the provisions of the Code of Civil Procedure demonstrate that the
28 remote participation in legal proceedings authorized by Louisiana law are more demanding
29 than an acknowledgment in accordance with Civil Code Article 1836, provided that the
30 procedure is reliable and adequately documented; and

1 WHEREAS, a Civil Code Article 1836 acknowledgment is regarding the declarant's
2 oral recognition of a signature, and not the contemporaneous execution of the original
3 instrument, therefore it is appropriate to consider whether the acknowledgment may be made
4 by simultaneous audiovisual transmission under clearly defined conditions as a procedure
5 separate from remote online notarization; and

6 WHEREAS, notaries public may have occasion to receive a Civil Code Article 1836
7 acknowledgment from a client, affiant, witness, or other person whose identity is personally
8 known to the notary, or whose identity can otherwise be reliably established; and

9 WHEREAS, the Louisiana State Law Institute has the capability and expertise to
10 study and evaluate the need for revisions to applicable laws in the state of Louisiana, and to
11 make recommendations, together with specific proposals for legislation, relative to
12 authorization of acknowledgment by simultaneous audiovisual transmission as a procedure
13 separate from remote online notarization.

14 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
15 does hereby urge and request the Louisiana State Law Institute to study and recommend
16 legislation relative to the acknowledgment of acts under private signature pursuant to Civil
17 Code Article 1836 by simultaneous audiovisual transmission as a procedure separate from
18 remote online notarization, and to report its findings, including any proposed legislation, to
19 the Louisiana Legislature, no later than March 1, 2027.

20 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall consider
21 whether the procedure should be made available to all notaries public in the state of
22 Louisiana under the same statutory conditions without requiring certification under the
23 remote online notarization law, provided that the procedure is limited to acknowledgments
24 in accordance with Civil Code Article 1836 and not used to execute an authentic act or any
25 instrument excluded pursuant to R.S. 35:623(B).

26 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall focus on
27 guiding principles and appropriate safeguards, which include, at a minimum, consideration
28 of the following:

29 (1) A Civil Code Article 1836 acknowledgment by simultaneous audiovisual
30 transmission as a procedure separate from remote online notarization.

