



**LOUISIANA STATE LAW INSTITUTE**

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January 31, 2019

Representative Taylor Barras  
Speaker of the House of Representatives  
P.O. Box 94062  
Baton Rouge, Louisiana 70804

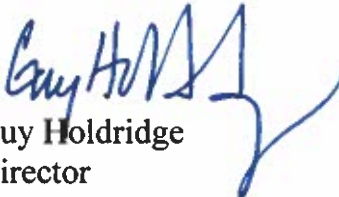
Senator John A. Alario, Jr.  
President of the Senate  
P.O. Box 94183  
Baton Rouge, Louisiana 70804

**RE: HOUSE CONCURRENT RESOLUTION NO. 31 OF THE 2018  
REGULAR SESSION**

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits its interim report to the legislature relative to electronic notary law.

Sincerely,

  
Guy Holdridge  
Director

cc: Representative Raymond E. Garofalo, Jr.

email cc: David R. Poynter Legislative Research Library  
[drplibrary@legis.la.gov](mailto:drplibrary@legis.la.gov)  
Secretary of State, Mr. R. Kyle Ardoin  
[admin@sos.louisiana.gov](mailto:admin@sos.louisiana.gov)

**LOUISIANA STATE LAW INSTITUTE  
NOTARIES COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE  
IN RESPONSE TO HCR NO. 31 OF THE 2018 REGULAR SESSION**

**Relative to the adoption of an electronic notary law**

Prepared for the  
Louisiana Legislature on

**January 31, 2019**

Baton Rouge, Louisiana

**LOUISIANA STATE LAW INSTITUTE  
NOTARIES COMMITTEE**

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\* \* \* \* \*

Melissa T. Lonegrass, Reporter

Nick Kunkel, Staff Attorney

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 31

BY REPRESENTATIVE GAROFALO

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to prepare proposed legislation providing for the enactment of an electronic notary law in Louisiana, and to report its findings to the Louisiana Legislature no later than February 1, 2019.

WHEREAS, the Louisiana Legislature enacted Act No. 244 in the 2001 Regular Session of the Legislature and created the Louisiana Uniform Electronic Transactions Act (R.S. 9:2601 et seq.), and R.S. 9:2611 specifically provides for the electronic signature of a notary, but does not provide any guidance or standards for how electronic notarization can be achieved; and

WHEREAS, House Concurrent Resolution No. 218 of the 2015 Regular Session of the Legislature urged and requested the Louisiana State Law Institute to study and make recommendations regarding the enactment of an electronic notary law, and specifically whether Louisiana should enact law providing for the use of technology to execute notarizations when the signor is not in the notary's physical presence; and

WHEREAS, in fulfillment of the request of House Concurrent Resolution No. 218, the Louisiana State Law Institute created the Electronic Signatures Study Group, which is comprised of members who represent the clerks of court, secretary of state, and other interests; and

WHEREAS, in order to address the requests of House Concurrent Resolution No. 218, the Electronic Signatures Study Group met on November 4, 2016, and delivered an interim report to the Louisiana Legislature on January 27, 2017; and

WHEREAS, the interim report of the Louisiana State Law Institute Electronic Signatures Study Group reported that the study group agreed that the enactment of an electronic notary law in Louisiana is advisable, and the study group would continue to

research relevant issues in order to prepare recommendations to the Louisiana Legislature; and

WHEREAS, audio and video conference technology has continued to develop and is becoming more widely available and used by notaries public in other states to electronically notarize documents when the signor is not in the presence of the notary, becoming commonly known as "remote online notarization", and Louisiana law does not currently recognize such remote online notarization; and

WHEREAS, with the evolution of technology and the increasing use of technology to facilitate commerce and banking, a number of states now allow for electronic notarization of electronic records, as distinguished from traditional pen and paper notarization; and

WHEREAS, a similar law in Louisiana would allow businesses to utilize current technology in an effort to facilitate transactions and to efficiently and safely serve customers.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to prepare proposed legislation providing for the enactment of an electronic notary law.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to include representatives of the secretary of state, clerks of court, Louisiana Notary Association, Louisiana Bankers Association, Louisiana State Bar Association, Louisiana Association of Independent Land Title Agents, and the Louisiana Land Title Association, to the extent not already included in the study group.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit proposed legislation to the Louisiana Legislature no later than February 1, 2019.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

January 31, 2019

Representative Taylor F. Barras  
Speaker of the House of Representatives  
P.O. Box 94062  
Baton Rouge, Louisiana 70804

Senator John A. Alario, Jr.  
President of the Senate  
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**INTERIM REPORT TO THE LEGISLATURE  
IN RESPONSE TO HCR NO. 31 OF THE 2018 REGULAR SESSION**

House Concurrent Resolution No. 31 of the 2018 Regular Session directs the Louisiana State Law Institute to prepare proposed legislation providing for the enactment of an electronic notary law in Louisiana. In fulfillment of this directive, the Law Institute created the Notaries Committee, which is supervised by the Reporter, Professor Melissa Lonegrass of the Louisiana State University Paul M. Hebert Law Center, and comprises members representing the clerks of court, Secretary of State, Land Title Association, Bankers Association, and other interests.

In addition to having met numerous times to discuss and draft legislation implementing an electronic notary scheme in Louisiana, the Committee has presented on the topic to the Law Institute Council on two occasions, and will present proposed legislation to the Council on February 8, 2019. Upon receiving full approval of its project from the Council, the Committee will submit recommendations to the Legislature in the form of proposed legislation. The Committee anticipates the possibility of submitting a final report and proposed legislation to the Legislature for the 2019 Regular Session.

Respectfully submitted,

Professor Melissa Lonegrass, Reporter  
Notaries Committee  
Louisiana State Law Institute