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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. 86 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 notaries with limited authority.

Sincerely,


Guy Holdridge
Director

cc: Representative Raymond E. Garofalo, Jr.

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

**LOUISIANA STATE LAW INSTITUTE
NOTARIES COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HCR NO. 86 OF THE 2018 REGULAR SESSION**

Relative to the implementation of notaries public with limited authority

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. 86

BY REPRESENTATIVE GAROFALO

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations for the enactment of laws for the implementation of notaries public with limited authority, and to submit a written report of its findings and recommendations to the legislature.

WHEREAS, Louisiana currently has a unique system of laws as compared to other states relative to the commissioning of notaries public; and

WHEREAS, a Louisiana notary public has broad authority which parallels many of the same areas of authority of an attorney licensed to practice law in this state; and

WHEREAS, due to the broad authority provided to Louisiana notaries public, persons desiring to obtain a notarial commission are required to meet certain specific qualifications, including passing a very rigorous uniform examination which results in fewer notaries public available to meet the needs of the public; and

WHEREAS, notaries public in every other state have very limited notarial authority, and their services are more frequently used for the purpose of witnessing the signature of an affiant; and

WHEREAS, because such notaries public in other states have limited notarial authority, the criteria to become a notary public in those states is less stringent, which allows for increased availability of notaries public to serve the public; and

WHEREAS, having certain notaries public with limited authority in Louisiana with similar limited authority as those notaries that exist in other states would be beneficial to the citizens and businesses of this state who frequently need a notary of only limited authority to witness their signature on a document; and

WHEREAS, businesses frequently only need the services of a notary public with limited authority to witness signatures, and a notary regime that allows an existing employee

of that business to become a notary with limited authority would allow that business to be more efficient and offer its customers better service; and

WHEREAS, businesses moving to Louisiana or considering moving to Louisiana should be provided with a notary environment consistent with the state from which the business is moving.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study the laws relative to notaries public in this state and other states with particular focus on the implementation of notaries public with limited authority, and to submit a written report of its findings, proposed legislation, and recommendations to the legislature no later than February 1, 2019.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

January 31, 2019

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**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HCR NO. 86 OF THE 2018 REGULAR SESSION**

House Concurrent Resolution No. 86 of the 2018 Regular Session urges and requests the Louisiana State Law Institute to study and make recommendations for the enactment of laws for the implementation of notaries public with limited authority. In particular, the Resolution calls on the Law Institute to study the laws pertaining to notaries public in this and other states with focus on the implementation of such a scheme. To this end, 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.

The Committee has met on numerous occasions and continues to compile research on and discuss the implementation of notaries public with limited authority. The issue is both complex and significant in light of the unique province of the notary public in Louisiana's civil law tradition. The Committee plans to meet several times in the coming months and year in order to best address how to implement a scheme for limited-authority notaries. Once the Committee's recommendations on the topic have been approved by the Law Institute Council, a final report will be submitted to the Legislature.

Respectfully submitted,

Professor Melissa Lonegrass, Reporter
Notaries Committee
Louisiana State Law Institute