

LOUISIANA REVISED STATUTES

**TITLE 35. NOTARIES PUBLIC AND COMMISSIONERS
CHAPTER 1. GENERAL PROVISIONS**

§ 1. Appointment of notaries public

The governor may appoint, by and with the advice and consent of the Senate, and upon their meeting the qualifications for office provided for in this Title, notaries public in the different parishes.

§ 1.1. Commissions previously issued

A. Notwithstanding any other provision of law to the contrary, this Section shall apply to all acts, documents, or other instruments which were executed by or passed before a notary public who was duly appointed, and to each notarial commission which was issued, on or before January 1, 1999, without the applicant first obtaining a commission in the parish of residence of the applicant, and whose commission was based on the location of the office maintained by the applicant.

B. All acts, documents, or other instruments which were executed by or passed before any notary public commissioned as set forth in Subsection A of this Section shall not be invalid based on the appointment of the notary public or the issuance of the notarial commission.

§ 2. General powers; administration of certain oaths in any parish

A.(1) Notaries public have power within their several parishes:

(a) To make inventories, appraisements, and partitions;

(b) To receive wills, make protests, matrimonial contracts, conveyances, and generally, all contracts and instruments of writing;

(c) To hold family meetings and meetings of creditors;

(d) To receive acknowledgements of instruments under private signature;

(e) To make affidavits of correction;

(f) To affix the seals upon the effects of deceased persons, and to raise the same.

(2) All acts executed by a notary public, in conformity with the provisions of Civil Code Art. 1833, shall be authentic acts.

(3) Notwithstanding any provision in the law to the contrary, a notary public shall have power, within the parish or parishes in which he is authorized, to exercise all of the functions of a notary public and to receive wills in which he is named as administrator, executor, trustee, attorney for the administrator, attorney for the executor, attorney for the trustee, attorney for a legatee, attorney for an heir, or attorney for the estate.

B. However, each notary public of this state shall have authority to administer oaths in any parish of the state, to swear in persons who appear to give testimony at a deposition before a general reporter or free-lance reporter certified under the provisions of R.S. 37:2551 et seq., and to verify interrogatories and other pleadings to be used in the courts of record of this state. Such oaths, and the certificates issued by such notaries shall be received in the courts of this state and shall have legal efficacy for purposes of the laws on perjury.

C. Every qualified notary public is authorized to certify true copies of any authentic act or any instrument under private signature hereafter or heretofore passed before him or

acknowledged before him, and to make and certify copies, by any method, of any certificate, research, resolution, survey or other document annexed to the original of any authentic acts passed before him, and may certify such copies as true copies of the original document attached to the original passed before him.

§ 2.1. Affidavit of corrections

A. (1) A clerical error in a notarial act affecting movable or immovable property or any other rights, corporeal or incorporeal, may be corrected by an act of correction executed by any of the following:

(a) The person who was the notary or one of the notaries before whom the act was passed.

(b) The notary who actually prepared the act containing the error.

(c) In the event the person defined in Subparagraphs (a) or (b) of this Paragraph is deceased, incapacitated, or whose whereabouts are unknown, then by a Louisiana notary who has possession of the records of that person, which records contain information to support the correction.

(2) The act of correction shall be executed before two witnesses and a notary public.

B. The act of correction executed in compliance with this Section shall be given retroactive effect to the date of recordation of the original act. However, the act of correction shall not prejudice the rights acquired by any third person before the act of correction is recorded where the third person reasonably relied on the original act. The act of correction shall not alter the true agreement and intent of the parties.

C. A certified copy of the act of correction executed in compliance with this Section shall be deemed to be authentic for purposes of executory process.

D. This Section shall be in addition to other laws governing executory process.

§ 3. Oaths and acknowledgments

Oaths and acknowledgments, in all cases, may be taken or made by or before any notary public duly appointed and qualified in this state.

§ 4. Notaries connected with banks and other corporations; powers

It is lawful for any notary public who is a stockholder, director, officer, or employe of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by such corporation, or to administer an oath to any other stockholder, director, officer, employe, or agent of such corporation, or to protest for non-acceptance or nonpayment bills of exchange, drafts, checks, notes, and other negotiable instruments which may be owned or held for collection by such corporation. It is unlawful for any notary public to take the acknowledgment of an instrument by or to a bank or other corporation of which he is a stockholder, director, officer, or employe, where the notary is a party to such instrument, either individually or as a representative of such corporation, or to protest any negotiable instrument owned or held for collection by the corporation, where the notary is individually a party to the instrument.

§ 5. Foreign notaries; oaths, acts, and acknowledgments; effect

Oaths, acts, and acknowledgements taken, made, or executed by or before any person purporting to be a notary public, duly appointed and duly qualified in any other state,

territory of the United States, or the District of Columbia shall have the same force and effect without further proof of the signatures as if taken, made, or executed by or before a notary public in Louisiana. This Section is remedial and shall be retroactive. All oaths, acts, and acknowledgements heretofore made in compliance with the provisions of this Section are hereby validated.

§ 6. Foreign notaries; acts and other instruments, effect

All acts passed before any notary public and two witnesses in the District of Columbia, or any state of the United States other than Louisiana shall be authentic acts and shall have the same force and effect as if passed before a notary public in Louisiana.

§ 7. Acts before authorized military personnel; force and effect

A. Every mortgage, sale, lease, transfer, assignment, power of attorney, or other instrument, heretofore or hereafter executed before any person authorized to act as a notary pursuant to 10 U.S.C. 1044a(b), and bearing the signature of such person and the proper designation of his rank and branch of service or subdivision thereof, shall be admissible in evidence and eligible to record in this state, and shall have the same force and effect of an authentic act executed in Louisiana.

B. Any oath, affirmation, deposition, or affidavit executed before any person authorized to act as a notary pursuant to 10 U.S.C. 1044a(b) shall have the same force and effect as if made or executed before a notary in Louisiana.

C. Any testament, trust, or other legal instrument or act provided for in Subsections A and B executed before any person authorized to act as a notary pursuant to 10 U.S.C. 1044a(b) shall have the same force and effect as if made or executed before a notary in Louisiana.

D. The provisions of this Section apply to persons serving in or with the armed forces or the Coast Guard of the United States and other persons eligible for legal assistance under the provisions of 10 U.S.C. 1044 or pursuant to regulations of the Department of Defense and all instruments and acts executed by persons designated in 10 U.S.C. 1044a(a).

§ 8. Recorder's copies of instruments before military officers; effect

Whenever any original instrument executed pursuant to R.S. 35:7, has been deposited in the office of a parish recorder of this state, the recorder is authorized to make copies of the same which shall have the same force and effect of authentic acts executed in this state.

§ 9. Instruments, before ambassadors and consular officials

Every mortgage, sale, lease, transfer, assignment, power of attorney, or other instrument, and every oath or affirmation, made or taken in any foreign country, before any ambassador, minister, charge d'affaires, secretary of legation, consul general, consul, vice-consul, or commercial agent, or before one of the following officers commissioned or accredited to act at the place where the act is made or taken, and having an official seal, to wit: any officer of the United States, any notary public, or any commissioner or other agent of this state having power to take acknowledgements, and every acknowledgement, attestation or authentication of such instruments, oaths or affirmations made by any of these officers under their official seals and signatures, shall have the full

force and effect of an authentic act executed in this state; and it shall not be necessary that the officer be assisted by two witnesses, as in the case of a notary executing an authentic act in this state, but the attestation, seal and signature of the officer shall of themselves be sufficient; nor shall it be necessary that the person appearing before the officer to execute any of these instruments, or to take any oath or affirmation, be a resident of the place where the officer is located. Whenever any such original instrument, oath, or affirmation has been deposited in the office of a notary in this state, the notary is authorized to make copies of the same, which shall have the same force and effect as copies of authentic acts executed in this state.

§ 10. Place of executing notarial acts

All notarial acts shall be made and executed at any place within the jurisdictional limits of the notary.

§ 11. Marital status of parties to be given

A. Whenever notaries pass any acts they shall give the marital status of all parties to the act, viz: If either or any party or parties are men, they shall be described as single, married, or widower. If married or widower the christian and family name of wife shall be given. If either or any party or parties are women, they shall be described as single, married or widow. If married or widow, their christian and family name shall be given, adding that she is the wife of or widow of . . . the husband's name.

B. A declaration as to one's marital status in an acquisition of immovable property by the person acquiring the property creates a presumption that the marital status as declared in the act of acquisition is correct and, except as provided in Subsection C of this Section, any subsequent alienation, encumbrance, or lease of the immovable by onerous title shall not be attacked on the ground that the marital status was not as stated in the declaration.

C. Any person may file an action to attack the subsequent alienation, encumbrance, or lease on the ground that the marital status of the party as stated in the initial act of acquisition is false and incorrect; however, such action to attack the alienation, encumbrance, or lease shall not affect any right or rights acquired by a third person acting in good faith.

D. The presumption provided in Subsection B of this Section is hereby declared to be remedial and made retroactive to any alienation, encumbrance, or lease made prior to September 1, 1987. Any person who has a right as provided in Subsection C of this Section, which right has not prescribed or otherwise been extinguished or barred upon September 1, 1987 and who is adversely affected by the provisions of Subsection C of this Section shall have six months from September 1, 1987 to initiate an action to attack the transaction or otherwise be forever barred from exercising his right or cause of action.

§ 12. Names to be given in full, together with parties' permanent mailing addresses; identification numbers

A.(1) Notaries shall insert in their acts the Christian names and surnames of the parties in full and not their initial letters alone or the full names of the parties and not their initial letters alone, together with the permanent mailing addresses of the parties, and shall print or type the full names of the witnesses and of themselves under their respective signatures.

(2) For the purposes of this Section, a full name or a name in full shall include at least one given name and other initials in addition to the surname. It may be any combination of first name and middle initial or initials, if any, and the surname; or the first initial and at least one middle name and the surname; or the complete first and middle name or names and the surname. The notary shall type, print, or stamp his or her name as it appears on his or her commission.

B. Every document notarized in this state shall bear the notary identification number assigned by the secretary of state, except that if the notary is an attorney licensed to practice law in this state, he may use his Louisiana state bar roll number in lieu of his notary identification number. The number shall be typed or printed legibly and placed next to the typed, printed, or stamped name of the notary as required by Subsection A of this Section.

C. No person other than a regularly commissioned notary public shall use the title "Notary Public". Every person, other than a regularly commissioned notary, who is otherwise given notarial powers or authorized as a notary ex officio, shall clearly indicate his actual position or title from which his authority to notarize is derived, in addition to his notary identification number.

D.(1) Any document notarized in this state on or after January 1, 2005, submitted for filing or recording in the office of notarial records, register of conveyances, or recorder of mortgages in and for the parish of Orleans, or in the office of any clerk of court or recorder of mortgages or conveyances may be refused by the clerk or his employee if the document fails to contain the notary identification or attorney bar roll number and the typed, printed, or stamped name of the notary and the witnesses. However, documents filed in the civil or criminal suit records of any court shall not be subject to the provisions of this Subsection.

(2) Except as otherwise provided in this Section, no state office, agency, department, or political subdivision shall accept, file, or record any document notarized in this state on or after January 1, 2005, unless the document contains the notary identification or attorney bar roll number and the typed, printed, or stamped name of the notary and the witnesses.

(3) No office, agency, department, or political subdivision, or any officer or employee thereof, refusing to accept, file, or record any notarized document pursuant to the provisions of this Section shall be liable for any damages resulting from the refusal to accept, file, or record a notarized document for its failure to comply with the provisions of this Section.

§ 13. Repealed by Acts 1976, No. 384, § 1

§ 14. Disbarred or suspended attorney prohibited from exercising notarial functions

Any attorney at law, or person who was an attorney at law, who is disbarred or suspended from the practice of law due to charges filed by the Committee on Professional Responsibility of the Louisiana State Bar Association or who has consented to disbarment shall not be qualified or eligible nor shall he exercise any functions as a notary public in any parish of the state of Louisiana as long as he remains disbarred or suspended from the practice of law in Louisiana. Provided, however, that nothing in this Section shall apply to any action taken against an attorney at law for failure to pay annual dues.

§ 15. Revocation or suspension of notarial commission or authority to exercise notarial powers

A. A notary public who is not an attorney may have his notarial commission and powers revoked or suspended when it is demonstrated, by clear and convincing evidence after a rule to show cause, that the notary has engaged in any of the following:

- (1) Dishonesty, fraud, deceit, or misrepresentation.
- (2) A felony for which he has been convicted and no pardon has been issued.
- (3) Gross misconduct or malfeasance in the exercise of his notarial powers.
- (4) Officially certifying as true what he knew or should have known was false.
- (5) Violation of any provision of this Title, or any other law governing the office of notary public or the exercise of any notarial power or duty.
- (6) Ceasing to possess any qualification required for holding his commission as a notary public.
- (7) Abandonment of his commission.

B. The rule to show cause shall be instituted by the district attorney or the attorney general in the district court of either the parish in which the notary is commissioned or the parish where the conduct complained of occurred. Such rule to show cause shall be tried in summary proceeding.

C.(1) If after a hearing the court finds that the notary public was convicted of a felony for which no pardon has been issued, or engaged in an act of gross misconduct or malfeasance in the exercise of his notarial powers, or ceased to possess any qualification required for holding his commission, the court shall order the revocation of the notary's commission and shall prohibit the notary from the further exercise of notarial powers.

(2) If after a hearing the court finds that the notary public committed any other act set forth in Subsection A of this Section, the court may revoke the notary's commission and prohibit the notary from further exercise of notarial powers, or may suspend his commission and authority to exercise notarial powers for a specific period of time, to be determined by the court.

D. A court ordering the revocation of a notary's commission or the suspension of his notarial powers shall further cast the notary in judgment for attorney fees and court costs. The court may additionally order restitution to be paid by the notary public to such persons as the court determines were damaged by the conduct giving rise to the suspension of notarial powers or the revocation of commission.

E. When the rule to show cause is instituted against a person for his actions as an ex-officio notary public, or for his performance of notarial powers on behalf of an employer as authorized by law, then the person appointing the ex-officio notary or the person's employer, as applicable, shall also be named as a defendant and required to show cause why the notarial powers or commission should not be revoked. Any additional defendant named pursuant to this Subsection shall not be cast in judgment for attorney fees, costs, or restitution.

F. The provisions of this Section shall not apply to an attorney licensed to practice law in this state who exercises notarial powers.

§ 16. Administrative revocation of notarial commission or authority.

A. The secretary of state shall suspend the commission of a notary public who is not an attorney when the notary ceases to be a registered voter in the parish of that notary's

commission, or is convicted of a felony. The secretary of state shall send a notice of suspension by certified mail, return receipt requested, to the notary public stating the reasons for his suspension.

B. If the suspension arises from failure of the notary to be registered as a voter in his parish of commission, the notice of suspension shall give the notary public ten days from the date of receipt to register as a voter in the parish of his commission. If the notary public fails to do so, the secretary of state shall notify the attorney general or the district attorney of the parish in which the notary is commissioned for the purpose of instituting a rule to show cause to revoke the commission pursuant to R.S. 35:15.

C. If the suspension arises from conviction of a felony, the period of suspension shall continue until the conviction is final and all appellate review of the original trial court proceedings has been exhausted. If the conviction is reversed upon appeal, or if a pardon is issued for the conviction, the suspension shall terminate and the commission shall be reinstated. When the conviction is final and all appellate review of the original trial court proceedings is exhausted, and if no pardon has been issued, the secretary of state shall notify the attorney general or the district attorney of the parish in which the notary is commissioned for the purpose of instituting a rule to show cause to revoke the commission pursuant to R.S. 35:15.

§ 17. Acts affecting immovable property; municipal number or address of property; social security number or employer identification number of parties

NOTE: Repealed by Acts 2005, No. 169, § 8, eff. Jan. 1, 2006. Acts 2005, 1st Ex. Sess., No. 13, § 1, changed the effective date to July 1, 2006.

CHAPTER 2. BONDS OF NOTARIES PUBLIC GENERALLY

§ 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 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.

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.

C. Any court of competent jurisdiction may suspend the commission of any notary for failure to pay over money entrusted to him in his official capacity as a notary public, for failure to satisfy any final judgment rendered against him in such capacity, or for other just cause.

D.(1) All notaries shall renew their bonds every five years except those notaries who

are bonded with a personal surety, as provided in R.S. 35:75. Notaries with a personal surety bond shall renew their bonds upon the death of the personal surety in accordance with the provisions of this Chapter.

(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.

F. The secretary of state shall be authorized to promulgate rules and regulations, where necessary, for implementation of this Section, in accordance with the Administrative Procedure Act.

§ 72. Bonds; elimination of requirement

Notwithstanding any provision of law to the contrary, after August 1, 1988, no notary, who is a licensed attorney at law, shall be required to post a bond of any kind.

§ 73. Bond not mortgage until suit filed and notice of lis pendens recorded

The official notarial bond, given by any notary public shall not, when recorded as provided by law, operate as a mortgage either against the property of the principal or of the surety or sureties thereon, unless and until a suit has been filed against the notary to recover on the bond, and a notice of lis pendens has been placed of record against the notary in connection with the suit in the parish where the bond is recorded, in which case the bond shall then operate as a mortgage against the property of both the principal and surety, or sureties, thereon

§ 74. Inclusion of bonds in mortgage certificates

The clerks of court in preparing mortgage certificates shall not include notarial bonds thereon unless an action has been commenced on the bond and a notice of lis pendens has been filed in connection therewith as provided in R.S. 35:73.

§ 75. Substituted notarial bond with personal surety

In all cases where notaries public throughout the state of Louisiana have filed or recorded, or may hereafter file and record, bonds in the offices of the several clerks of court and ex-officio recorder of conveyances and mortgages, and the register of conveyances and mortgages of the parish of Orleans, with any surety company authorized to do business in the state of Louisiana as surety, as permitted by existing laws, may, in lieu of such bonds of any surety company aforesaid, substitute a bond with personal surety acceptable to the presiding judge of the parish for which the notary is commissioned. The Secretary of State shall accept said substituted notarial bond with personal surety in lieu of notarial bond with surety company as surety.

§ 76. Release of surety company upon acceptance of personal surety bond

The Secretary of State for the state of Louisiana, upon filing and recordation of a notarial bond with the Secretary of State, with personal surety in lieu of a surety company, shall upon request execute a release of the surety company effective as of the date of the acceptance of the personal surety bond in lieu thereof.

§ 77. Cancellation of surety company bond

Upon presentation of such personal surety bond containing a certificate of its sufficiency by the presiding judge of the parish of the state for which the notary was commissioned, and certificate of approval by the Secretary of State to any clerk of court and ex-officio recorder of conveyances and mortgages, and the register of conveyances and mortgages of the parish of Orleans, the said clerk, register or recorder of mortgages, shall upon application by any interested party cancel and erase in full from the records of his office said notarial bond with surety company as surety now or hereafter recorded in the conveyance or mortgage records of his office.

CHAPTER 3. LEAVES OF ABSENCE

§ 131. Grant of leave of absence; designation of substitute notary; suspension of prescription

A. The secretary of state on behalf of the governor may grant leave of absence to notaries public for a period not exceeding thirty-six months, to date from the day the leave is granted.

B. Absence from the state suspends the running of prescription against the notary.

§ 132. Notaries in military service, leave of absence

A leave of absence may be granted by the governor to any notary public upon his application to the secretary of state in writing certifying that he is a member of the Army, Navy, Marine Corps or any other branch of the military service of the United States, or of the state of Louisiana, and stating the expiration date of his bond.

§ 133. Notaries in military service, period of leave

The period of the leaves of absence granted in accordance with R.S. 35:132 shall date from the day the leave is granted and shall terminate sixty days after the date of discharge of the notary from the military service of the United States or the state of Louisiana.

§ 134. Expiration of bond during military service; renewal

When the notarial bond of a notary public expires during his term of military service, the notary shall have sixty days from the date of his discharge from military service in which to apply for a new bond.

CHAPTER 4. APPOINTMENT, QUALIFICATIONS, AND BONDS OF NOTARIES

§ 191. Appointment; qualifications and bond; examination; examiners

A.(1) Any person may be appointed a notary public in and for the parish in which he resides and in and for any one other parish in which he maintains an office, provided that

he:

- (a) Is a resident citizen or alien of this state.
- (b) Is eighteen years of age or older.
- (c) Reads, writes, speaks, and is sufficiently knowledgeable of the English language.

(d) Has received a high school diploma, has received a diploma for completion of a home study program approved by the State Board of Elementary and Secondary Education, or has been issued a high school equivalency diploma after successfully completing a high school equivalency test approved by the Board of Supervisors of Community and Technical Colleges.

(e) Is not under interdiction or incapable of serving as a notary because of mental infirmity.

(f) Has not been convicted of a felony, or if convicted of a felony, has been pardoned.

(g) Meets the requirements established by law for each commission sought.

(2) Notwithstanding the provisions of Paragraph A(1) or Subsection C of this Section, a person validly appointed notary public in the parish of his residence may exercise any and all of the functions of a notary public in all adjacent parishes that have a population of less than forty thousand and in which he or his employer maintains an office, without additional bonding or further application or examination.

(3)(a) A valid notarial commission shall be one that has not been revoked or resigned, and that was issued to a person who, at the time of issuance in accordance with the provisions of this Section, possessed the qualifications for office set forth in Paragraph (A)(1) and Subsection B of this Section, and who is currently possessed of those qualifications.

(b) A validly appointed notary public is a person who currently holds a valid notarial commission.

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

B. A resident citizen seeking to be appointed notary public in the parish of his residence or possessing a valid notarial commission in and for a parish based on his residence must be a registered voter of that parish.

C. Each applicant, otherwise qualified, may be appointed a notary public in and for a parish upon meeting all of the following conditions:

(1)(a) Submitting an application to the office of the secretary of state together with a certificate establishing his age, residence, location of his office when the applicant seeks to be appointed a notary based on such office, and location of the office which was the basis for a current appointment as a notary in any other parish, if any.

(b) The application and qualifying process shall be administered by the office of the secretary of state.

(i) The application provided by the office of the secretary of state shall require the applicant to attest to his good moral character, integrity, and sober habits.

(ii) In the event that any of the applicant's answers or responses call into question the applicant's good moral character, integrity, or sober habits, the secretary of state shall

submit such application to the district court in the parish for which the appointment is sought for judicial review and approval. If found competent as to character and fitness to serve as a notary public, the court shall issue to the secretary of state an appropriate certificate for the applicant signed by a judge of the court.

(iii) The application shall include the sworn statement of the applicant declaring the information provided therein is true and correct.

(c) The office of the secretary of state shall charge a fee of thirty-five dollars for filing and processing any application to be appointed a notary public provided for in Subparagraph (C)(1)(a) of this Section.

(d) The deadline for the application provided for in Subparagraph (C)(1)(a) of this Section and the application fee provided for in Subparagraph (C)(1)(c) or to register to take the exam as provided for in R.S. 35:191.1 shall be no later than thirty days prior to the date of the examination.

(2)(a) Taking a pre-assessment test, with no minimum score required, administered by the secretary of state to assess the probability of the applicant passing the examination as provided in R.S. 35:191.1.

(b) To qualify to take the pre-assessment test, the applicant shall have satisfied all requirements to be commissioned as a notary public in the parish, except for passing the examination as provided in R.S. 35:191.1.

(c) The pre-assessment test provided by this Paragraph shall be dispensed with if the applicant has been duly admitted to practice law in this state or holds a valid notarial commission in this state.

(3)(a) Taking and passing a written examination, as provided in R. S. 35:191.1, administered by the secretary of state.

(b)(i) The notary examination shall be given not less than twice per year on the days as determined by the secretary of state.

(ii) To qualify to be examined, the candidate shall have satisfied all requirements to be commissioned as a notary public in the parish, except for passing the examination.

(iii) The qualified candidate shall be permitted to register for any notary public examinations administered by the secretary of state within one year after the date the secretary of state notifies the candidate of his approval to take the examination. No further application fee shall be required during this period. The required examination fee, however, shall be paid for each examination.

(c) The examination provided for in this Paragraph shall be dispensed with if the applicant has been duly admitted to practice law in this state or holds a valid notarial commission in this state.

D. Notwithstanding any other provision of law to the contrary, any person who is validly appointed notary public in and for the parish of Orleans, the parish of St. Bernard, the parish of Plaquemines, or the parish of Jefferson is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of a notary public in the parishes of Orleans, Plaquemines, St. Bernard, and Jefferson.

E. (1) Notwithstanding any other provision of law to the contrary, any person who has held a valid notarial commission in or for any parish either for a period of five years or who has taken and passed the written examination, as provided in R.S. 35:191.1 on or after June 13, 2005, and who changes his residence to another parish, and who complies with the laws governing application and qualifying for appointment to the office of

notary public in the parish of his new residence , except taking and passing an examination, and who meets the prerequisites for commission issuance specified in R.S. 35:201, shall be issued a notarial commission for the parish of his new residence by the governor without advice and consent of the Senate and may exercise the functions of notary public in that parish.

(2) A notary who is establishing a residence in a parish other than the parish of his commission and who seeks a commission in the parish of the new residence shall be deemed to be validly commissioned in the parish of his former residence for a period of sixty days, during which time he shall meet all the qualifications for appointment in and for the parish of the new residence. Should such notary desire to remain commissioned in the original parish based on maintaining an office in that parish, he shall file an affidavit to that effect with the secretary of state designating the location of the office and shall otherwise comply with the requirements for maintaining a dual commission as provided for in this Section.

F. Notwithstanding any other provision of law to the contrary, any person who is validly appointed notary public in and for any of the parishes of Tangipahoa, Livingston or St. Helena is hereby authorized and deemed eligible and qualified to exercise any and all of the functions a notary public in the parishes of Tangipahoa, Livingston and St. Helena.

G. Notwithstanding any other provision of law to the contrary, any person who is validly appointed notary public in and for any of the parishes of Bienville, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Union, or West Carroll is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of a notary public in the parishes of Bienville, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Union, or West Carroll.

H. Notwithstanding any other provision of law to the contrary, any person who is validly appointed notary public in and for any of the parishes of Caddo, Bossier, Bienville, DeSoto, Claiborne, or Webster is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of a notary public in the parishes of Caddo, Bossier, Bienville, DeSoto, Claiborne, and Webster. No additional bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

I. Notwithstanding any other provision of law to the contrary, any person who is validly appointed notary public in and for either of the parishes of Catahoula or Concordia is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of a notary public in the parishes of Catahoula and Concordia.

J. Notwithstanding any other provision of law to the contrary, any person who is a validly appointed notary public in and for either of the parishes of Iberia or St. Mary is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of a notary public in the parishes of Iberia and St. Mary.

K. Notwithstanding any other provision of law to the contrary, any person who is validly appointed notary public in and for any of the parishes of Allen, Beauregard, Calcasieu, Cameron, Vernon, or Jefferson Davis is hereby authorized and deemed eligible and qualified to exercise any and all functions of a notary public in the parishes of Allen, Beauregard, Calcasieu, Cameron, Vernon, and Jefferson Davis. No additional

bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

L. Any notary public in and for the parish of Acadia, Lafayette, or Vermilion is hereby authorized and qualified to exercise all of the functions of a notary public in and for any of said parishes. No additional bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

M. Any notary public appointed in and for the parish of Iberia or Vermilion is hereby authorized and qualified to exercise any and all functions of a notary public in both parishes. No additional bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

N. Any notary public appointed in and for the parish of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, West Baton Rouge, or West Feliciana is hereby authorized and qualified to exercise all of the functions of a notary public in and for any of said parishes. No additional bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

O. Notwithstanding any other provision of law to the contrary, any person who is validly appointed notary public in and for any of the parishes of Acadia, Evangeline, or St. Landry is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of a notary public in the parishes of Acadia, Evangeline, and St. Landry. No additional bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

P.(1) (a) Notwithstanding any other provision of law to the contrary including but not limited to the provisions of Subsection E of this Section and the duties imposed in that Subsection as a result of a change in residence , each person who is licensed to practice law in this state who is a notary public in and for any parish in this state may exercise the functions of a notary public in every parish in this state.

(b) Notwithstanding any other provision of law to the contrary, each person who is a validly appointed notary public in and for any parish in this state and who has taken and passed the written examination, as provided in R.S. 35:191.1 on or after June 13, 2005, may exercise the functions of a notary public in every parish in this state.

(c) The expanded jurisdictional limits authorized by this Subsection are additional to other provisions of law. No additional bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

(2) In order to qualify for the expanded jurisdictional limits authorized by this Subsection, any regularly commissioned notary public in and for any parish in this state who is not licensed to practice law in this state and who has not taken and passed the written examination as provided in R.S. 35:191.1 on or after June 13, 2005, may take the examination provided that he register directly with the secretary of state on a form provided for that purpose and pay the examination fee authorized by law no later than forty-five days before the date of a scheduled examination. Failure of such notary to pass the examination shall have no effect on the status of the commission of the notary.

Q. Notwithstanding any other provision of law to the contrary, any person who is validly appointed notary public in and for either of the parishes of Lafayette or St. Landry is hereby authorized and qualified to exercise all of the functions of a notary public in and for both parishes. No additional bonding or further application or examination shall be

required due to the expanded jurisdictional limits authorized by this Subsection.

R. Notwithstanding any other provision of law to the contrary, any person who is a validly appointed notary public in and for any of the parishes of Iberia, St. Martin, or St. Mary is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of a notary public in the parishes of Iberia, St. Martin, and St. Mary. No additional bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

S. Notwithstanding any other provision of law to the contrary, any person who is a validly appointed notary public in and for either of the parishes of Sabine or Vernon is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of a notary public in the parishes of Sabine and Vernon. No additional bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

T. Notwithstanding any other provision of law to the contrary, any person who is a validly appointed notary public in and for any of the parishes of Avoyelles, Grant, or Rapides is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of a notary public in the parishes of Avoyelles, Grant, and Rapides. No additional bonding or further application or examination shall be required due to the expanded jurisdictional limits authorized by this Subsection.

U. Notwithstanding any other provision of law to the contrary, any person who is validly appointed notary public in and for the parish of St. Mary, the parish of Assumption, the parish of Lafourche, or the parish of Terrebonne is hereby authorized and deemed eligible and qualified to exercise any and all of the functions of notary in the parishes of St. Mary, Assumption, Lafourche, and Terrebonne.

§ 191.1. Secretary of state; uniform statewide standards, rules, and procedures for notarial examinations

A. The secretary of state shall, with the advice and assistance of the courts and such subject matter experts as the secretary of state may request, develop uniform statewide standards for notarial examinations required by R.S. 35:191(C), which shall be administered by at regional testing centers by the secretary of state. The standards developed shall include all of the following:

(1) The procedures and rules for administering and grading the examination for applicants required to take an examination.

(2) The format and content of the examination.

(3) The procedures for review by the secretary of state of any examination which was taken pursuant to R.S. 35:191(C) and which was failed by the examinee.

B. The secretary of state shall also:

(1) Charge a fee not to exceed one hundred dollars for each examinee taking an examination.

(2) Publish and make available to the public a document containing the material and sources from which examination questions are devised for use as a study guide and charge a fee of one hundred dollars.

C. The secretary of state is authorized to develop, with the advice and assistance of academically credentialed education professionals, a notary education program for the formal education of candidates for a notary commission.

§ 191.2. Secretary of state; uniform statewide standards, rules, and procedures for notarial examinations

The secretary of state shall:

(1) Develop a system for compiling and maintaining a current and accurate database of all notaries in this state and assign to each notary a unique “notary identification number”.

(2) Develop the annual report form and mail by United States Postal Service, or provide by electronic means, the annual report form:

(a) To all notaries required to submit an annual report pursuant to R.S. 35:202(A), at least sixty days prior to the anniversary of the date each notary received his commission, commencing with anniversaries occurring on January 1, 2004.

(b) To all offices, agencies, departments, and political subdivisions required to submit an annual report pursuant to R.S. 35:202(D) on May first of each year, commencing on May 1, 2004.

(3) Collect a fee for receiving and processing the annual report of each notary, not to exceed twenty-five dollars per report.

(4) Publish a list of all fees charged by the secretary of state pursuant to this Title in the State Register.

§ 191.3. Notary change of address; duty to register

A. It shall be the duty of every notary public or other person authorized to exercise notarial functions in the state to whom the secretary of state has issued a notary identification number to notify the office of the secretary of state within sixty days after the date of any change in residential address, mailing address, or both.

B. The secretary of state shall include notice of this requirement on its notary annual report form.

Section 191.4. Secretary of state; procedures for registration and reporting of notary instructors

A.(1) The secretary of state shall develop and administer a program to provide for the registration and reporting of persons who provide notary examination preparatory education and instruction.

(2) As used in this Section, a “provider” shall mean any person who provides a course or courses of instruction or study for the training and instruction of persons preparing for the Louisiana notary public examination required for the office of notary public and who charges a fee to any consumer for such service.

B. Beginning February 28, 2015, each person who provides notary examination preparatory education and instruction shall be required to be a commissioned notary public with statewide notarial authority.

C. Each provider shall submit an annual registration statement to the secretary of state on or before January first of each year beginning January 1, 2010. The secretary of state shall provide the form to be used for registration with the secretary of state and all registrations shall be submitted on the form provided by the secretary of state.

D. Each provider, except an educational institution that operates under the oversight of the Board of Regents, Board of Supervisors for the University of Louisiana System, Board of Supervisors of Louisiana State University and Agricultural and Mechanical

College, Board of Supervisors of Southern University and Agricultural and Mechanical College or Board of Supervisors of Community and Technical Colleges, shall annually post a bond guaranteed by a commercial surety licensed to do business in this state with the secretary of state in the amount of twenty-five thousand dollars. The bond shall be to ensure the performance of the provider's obligation to deliver any educational services contracted for and shall remain in effect for a period of one year.

E.(1) The secretary of state may impose a penalty of not more than one thousand dollars per day against a provider who is not in compliance with the requirements of this Section.

(2) If a penalty imposed under the provisions of this Section is not timely paid by a provider within thirty days of imposition of the penalty by the secretary of state, the attorney general shall institute proceedings against the provider to collect such penalty.

F. Each provider shall be exempt from the licensing requirements of R.S. 17:3140.1 et seq., pertaining to such educational programs or instruction.

G. The secretary of state may establish and require an annual professional development and education program for providers.

H. The secretary of state may promulgate rules and regulations, where necessary, for implementation of the provisions of this Section, in accordance with the Administrative Procedure Act.

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

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

B. The provisions of Subsection A of this Section shall not affect the validity of bonds given or recorded in the mortgage or conveyance office of any parish prior to September 9, 1977.

§ 193. Original surety company bond; necessity for recordation

In all cases where notaries public furnish bond for the faithful performance of their duties, signed by a surety company, authorized to do business in this state, it shall not be necessary to record the bond in the office of the recorder of mortgages of the parish where the notary performs his duties, and in all cases, when existing bonds or future bonds of this character are filed and recorded in the mortgage office, they shall not operate as mortgages upon the property of the principal.

§ 194. Substitution of personal surety bond or special mortgage

In all cases where notaries public throughout the state have filed or recorded bonds in the offices of the several clerks of court and ex officio recorders of mortgages, with personal or individual surety, or who have executed and recorded a special mortgage on immovable property, as permitted by existing law, may, in lieu of such bonds, and in lieu of such special mortgages, substitute a bond in the same sum with any surety company authorized to do business in the state as surety.

§ 195. Cancellation of personal surety bond or special mortgage

Upon presentation of the surety bond provided for in R.S. 35:194 to any clerk of court and ex-officio recorder of mortgages, the clerk shall file the bond, and upon application by any interested party, shall cancel and erase in full from the records of his office any bond with personal surety recorded in the mortgage records of his office, and likewise any special mortgage executed and recorded by any notary public, conditioned for the faithful performance of his duties as notary.

§ 196. Substituted surety company bond; necessity for recordation

The surety bond provided for in R.S. 35:194 shall not be recorded in the mortgage records of the clerks of court and ex-officio recorders of mortgages and shall not in any event be an encumbrance against the property of any notary making and executing such bond.

§ 197. Repealed by Acts 1977, No. 451, § 3

§ 198. Liability of notary and surety; effect of surety company bond; cancellation of bond for nonpayment

A. Nothing contained in R.S. 35:193 shall in any way affect the liability of a notary for the failure to perform his duties, nor the liability of his surety for any neglect thereof, or in any way alter the requirements of the recording of bonds not signed by a surety company, or their legal effect when so recorded.

B. When the notary in Orleans Parish has given bond with a surety company, the surety has the right to cancel the bond for nonpayment of the premium by giving notice through registered mail to the custodian of notarial records for the parish of Orleans. This notice must be given thirty days prior to any anniversary date of the bond, after which anniversary date the liability of the surety company on the bond shall cease.

§ 199. Duty to file, register, or record notarial instruments

A. Notaries public shall record all acts of sale, exchange, donation, and mortgage of immovable property passed before them, together with all resolutions, powers of attorney, and other documents annexed to or made part of the acts, in their proper order, and after first making a careful record of the acts in record books to be kept for that purpose as follows:

(1) If the immovable is located in this state outside of the parish of Orleans, the notary shall record the instrument within fifteen days after they are passed, with the appropriate recorder of the parish or parishes in which the immovable property is situated.

(2)(a) If the immovable is situated within the parish of Orleans, the notary shall file the instrument in the office of the custodian of notarial records for the parish of Orleans and record the instrument with the register of conveyances or recorder of mortgages or both.

(b) If the instrument is an act of sale or any other act evidencing a transfer of immoveable property situated in the parish of Orleans, it shall be the duty of the notary to cause the act to be registered with the office of the clerk as the recorder for the parish of Orleans, within forty-eight hours after the passage of the act.

(c) The original of every authentic act, except chattel mortgages and acts relating to immovable property outside of Orleans Parish, passed before a notary public in Orleans Parish, and also every act, contract, and instrument except money judgments and chattel mortgages filed for record in the offices of either the recorder of mortgages or the registrar of conveyances for the parish of Orleans, shall, as a condition precedent to such filing in the office of the recorder of mortgages or the register of conveyances for the parish of Orleans, be first filed in the notarial archives of the parish of Orleans.

B. The provisions of Subsection A of this Section shall not be applicable to instruments affecting cemetery plots and shall not be so construed as embracing inventories or partitions or any other act required by law to be performed by notaries or parish recorders under any order of court, but the original of all such acts, without being recorded, shall be returned to the court from which the order is issued.

C. All notaries who contravene the provisions of this Section shall be subject to a fine of two hundred dollars for each infraction of the same, to be recovered before any court of competent jurisdiction, one-half for the benefit of the informer, as well as all such damages as the parties may suffer thereby.

D. A notary public shall be relieved of his obligations under Paragraph (A)(1) and Subparagraph (A)(2)(a) of this Section when he has been expressly directed in writing by all parties to the instrument to defer or refrain from such recordation or to deliver the instruments to one of the parties or to another person.

§ 200. Limitation on actions

A. No action for damages against any notary public duly commissioned in any parish in this state, any partnership of such notaries public, or any professional corporation, company, organization, association, enterprise, or other commercial business or professional combination answerable for the damage occasioned by such notary public in the exercise of the functions of a notary public, whether based upon tort, or breach of contract, or otherwise, arising out of an engagement to provide notarial services shall be brought unless filed in a court of competent jurisdiction and proper venue within one year from the date of the alleged act, omission, or neglect, or within one year from the date that the alleged act, omission, or neglect is discovered or should have been discovered; however, even as to actions filed within one year from the date of such discovery, in all events such actions shall be filed at the latest within three years from the date of the alleged act, omission, or neglect.

B. The provisions of this Section are remedial and apply to all causes of action without regard to the date when the alleged act, omission, or neglect occurred. However, with respect to any alleged act, omission, or neglect occurring prior to July 1, 2004, actions shall, in all events, be filed in a court of competent jurisdiction and proper venue on or before July 1, 2007, without regard to the date of discovery of the alleged act, omission, or neglect. The one-year and three-year periods of limitation provided in Subsection A of this Section are preemptive periods within the meaning of Civil Code Article 3458 and, in accordance with Civil Code Article 3461, may not be renounced, interrupted, or suspended.

C. Notwithstanding any other law to the contrary, in all actions brought in this state against any notary public duly commissioned in this state, any partnership of such notaries public, or any professional corporation, company, organization, association,

enterprise, or other commercial business or professional combination answerable for the damage occasioned by such notary public in the exercise of the functions of a notary public, the prescriptive and peremptive period shall be governed exclusively by this Section.

D. The provisions of this Section shall apply to all persons whether or not infirm or under disability of any kind and including minors and interdicts.

E. The peremptive period provided in Subsection A of this Section shall not apply in cases of fraud, as defined in Civil Code Article 1953.

F. The provisions of this Section shall not apply to notaries who are attorneys, who shall be subject to the provisions of R.S. 9:5605.

§ 201. Granting of commission; prerequisites

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

(1) The certificate provided by R.S. 35:191(C)(1)(b)(ii), if applicable .

(2) His oath of office.

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

(4) His official signature.

B. Upon the issuing of the commission, all of the above shall be deposited in the office of the secretary of state and annexed in the margin of a book to be kept for that purpose by the secretary of state .

C. Notwithstanding any other provision of law to the contrary, an appointment to the office of notary public that requires the advice and consent of the Senate shall be an interim appointment subject to Senate confirmation as follows:

(1) If the legislature is in regular session at the time the appointment is made, the secretary of state on behalf of the governor shall submit for Senate confirmation the name of a qualified appointee within forty-eight hours after the appointment is made. Failure of the Senate to confirm the appointment prior to the end of the session shall constitute a rejection of the appointment and the interim appointment shall terminate.

(2) If the legislature is not in regular session at the time the appointment is made, the appointment shall expire at the end of the next regular session, unless the Senate confirms the appointment during that session.

(3) Any person whose appointment is not confirmed by the Senate shall not be appointed to the office of notary public in any parish during any recess of the legislature.

(4)(a) Notwithstanding any other provision of this Section to the contrary, if it is discovered prior to the time that the appointment is submitted to the Senate for confirmation that the interim appointee to hold the office for which a commission has been issued does not meet the qualifications for appointment, the secretary of state on behalf of the governor shall notify the appointee by certified mail that the appointee will not be submitted for Senate confirmation until the appointee meets the qualifications for appointment. The appointee shall thereafter exercise no notarial duties or functions until the appointee meets the qualifications for appointment. If the appointee fails to meet the qualifications for appointment and the appointment terminates or expires as provided in this Subsection, the commission shall be rescinded and the appointee shall surrender his commission to the secretary of state.

(b) Notwithstanding any other provision of this Section to the contrary, if it is discovered after the appointment has been submitted to the Senate for confirmation, that the interim appointee to hold the office for which a commission has been issued does not meet the qualifications for appointment, the secretary of state on behalf of the governor shall notify the appointee by certified mail that the appointee does not meet the qualifications for appointment. The appointee shall thereafter exercise no notarial duties or functions until the appointee meets the qualifications for appointment. If the appointee fails to meet the qualifications for appointment and the appointment terminates or expires as provided herein, the commission shall be rescinded and the appointee shall surrender his commission to the secretary of state.

§ 202. Annual report; filing fee; penalties; suspension

A. Except as provided in Subsection F of this Section, all regularly commissioned non-attorney notaries shall file an annual report with the secretary of state on or before the anniversary date of his commission on the form developed and mailed, or provided by electronic means, by the secretary of state pursuant to R.S. 35:191.2(2)(a), together with payment of the filing fee established by the secretary of state pursuant to R.S. 35:191.2(3). The annual report shall be completed in full and signed by the notary.

B. Except as provided in Subsection F of this Section, a notary who fails to timely file the required annual report and pay the filing fee pursuant to Subsection A of this Section shall be assessed a late fee not to exceed fifty dollars by the secretary of state.

C. The commission of any notary who fails to timely file his fully completed annual report within sixty days after its due date as provided in Subsection A of this Section shall be automatically suspended, and the notary shall have no authority to exercise any of the duties or functions of a notary public until a current required annual report has been filed, and the notary has paid all accrued fees and late charges for a period not to exceed three years in connection with the suspension of his commission.

D. All offices, agencies, and departments of the state and political subdivisions with authority to appoint certain persons as ex officio notaries or otherwise authorize persons to exercise any notarial powers pursuant to the revised statutes and codes of this state shall file an annual report on the form developed and mailed, or provided by electronic means, by the secretary of state pursuant to R.S. 35:191.2(2)(b), not later than the first day of July of each year.

E. The secretary of state shall send by certified mail to any office, agency, department of the state, or political subdivision of the state which fails to timely file the required annual report within the delays provided by Subsection D of this Section a notice of such failure to timely file the required report. The authority of a person appointed as an ex officio notary or otherwise authorized by the revised statutes and codes of this state to exercise the function of a notary public and the authority of any office, agency, department of the state, or political subdivision of the state to appoint ex officio notaries or to otherwise authorize persons to exercise notarial functions shall be suspended if the annual report is not filed within sixty days as provided in this Section.

F. A notary granted a leave of absence by the governor pursuant to R.S. 35:131 or 132 shall not be subject to the fees or penalties established by Subsection A, B, or C of this Section during the term of his leave of absence. However, a notary granted a leave of absence shall provide the secretary of state with a current address during such leave.

G. A regularly commissioned non-attorney notary who is seventy years of age or older shall be permitted to elect a special commission status upon retirement from active service as a notary public by filing with the secretary of state a written request for such status along with an affidavit attesting to such status and certifying that he will no longer exercise the duties and functions of a notary public during such time as such status is in effect. A notary with such inactive status shall not be required to maintain a bond or file an annual report. However, a notary granted inactive status shall notify the secretary of state of any change of address to ensure the accuracy of information contained in the notary database maintained by the secretary of state. A notary may resume active commission status by filing a current annual report with the required fees with the secretary of state and posting bond in the amount then required by law.

**CHAPTER 5. NOTARIES IN ORLEANS PARISH
PART I. APPOINTMENT, BOND, AND OFFICE [REPEALED]**

§ 251. § § 251 to 257 Repealed by Acts 1977, No. 451, § 3

PART II. POWERS AND DUTIES

§ 281. Change of address in Orleans Parish; filing with board of assessors

Whenever a taxpayer who owns property situated in the parish of Orleans changes his home or mailing address, notice of such change shall within thirty days be given to the Board of Assessors for the parish of Orleans. Such notice shall list each property situated in the parish of Orleans in which the taxpayer has an interest. Failure to give such notice shall cause the taxpayer to forfeit all claims for failure to timely receive a tax bill. Amended by Acts 1964, No. 43, § 1; Acts 2004, No. 141, § 1; Amended by Acts 2006, No. 730, § 1.

§ 282. Repealed by Acts 2006, No. 730 § 2

§ 283. Repealed by Acts 2006, No. 730 § 2

§ 284. Repealed by Acts 2006, No. 730 § 2

§ 285. Repealed by Acts 2006, No. 730 § 2

§ 286. Repealed by Acts 2006, No. 730 § 2

§ 287. Deputies

Every notary public in the Parish of Orleans may appoint one or more deputies to assist him in the making of protests and delivery of notices of protests of bills of exchange and promissory notes. Each notary shall be personally responsible for the acts of each deputy employed by him. Each deputy shall take an oath faithfully to perform his duties as such. The certificate of notice of protest shall state by whom made or served.

PART III. OFFICE AND CUSTODIAN OF NOTARIAL RECORDS

§ 321. Terms defined

As used in this Part, the terms defined in this Section shall have the meanings here given to them, except when the context clearly indicates otherwise:

(1) “Notary” or “Notary Public” shall mean a “Notary Public in and for the Parish of Orleans”.

(2) “Custodian” means “Custodian of Notarial Records in and for the Parish of Orleans”.

(3) “New Orleans Notarial Archives” means “office of notarial records in and for the parish of Orleans”.

§ 322. Appointment and qualifications; vacancies

A. The governor by and with the advice and consent of the Senate shall appoint a custodian of notarial records, whose term of office shall be for four years, and run concurrent with the governor. In the event of a vacancy in said office, the governor by and with the advice and consent of the Senate shall appoint a custodian for the unexpired term.

B. The custodian shall be a duly licensed and practicing attorney at law and notary public in the parish of Orleans, and shall be a member in good standing of the Louisiana State Bar Association.

§ 323. Central office; preservation of notarial records; permanent volumes

A. The custodian shall maintain a central office in the city of New Orleans in the Civil District Court Building in quarters presently provided by the city of New Orleans or other quarters in said courthouse to be provided in the city of New Orleans. The custodian shall demand, take possession of, collect, keep, and preserve in this office or in an archival-safe environment the notarial records of notaries in the parish of Orleans.

B.(1)(a) The original of every authentic act, except chattel mortgages and acts relating to real property outside of Orleans Parish, passed before a notary public in Orleans Parish, and also every act, contract, and instrument except money judgments and chattel mortgages filed for record in the office of either the recorder of mortgages or the register of conveyances for the parish of Orleans shall, as a condition precedent to such filing in the office of the recorder of mortgages or the register of conveyances for the parish of Orleans, be first filed in the office of the custodian of notarial records for the parish of Orleans.

(b) The custodian shall endorse on each act, contract, or instrument filed in his office the date of such filing and a serial number, and shall issue a receipt for such act, contract, or instrument, showing the date of its filing and the serial number. All acts, contracts, or instruments so endorsed, if required by law, shall be filed for record with the recorder of mortgages or the register of conveyances for the parish of Orleans, or both, and shall be registered and/or recorded with the serial number furnished by the custodian; however, nothing herein shall be deemed to impose upon the custodian any obligation to file any act, contract, or instrument with either the recorder of mortgages or the register of conveyances.

(c) The recorder of mortgages and register of conveyances for the parish of Orleans shall thereafter endorse said act, contract, or instrument to the custodian, showing the date and time of filing, and the book and folio or instrument number endorsed thereon by

the recorder of mortgages or the registrar of conveyances, and shall return the act to the custodian who shall thereupon have permanent custody of the said act, contract, or instrument, and shall file same in his office in permanent, bound form according to the serial number endorsed thereon by the custodian.

(2) It shall be the duty of all notaries public filing acts for registration and/or recordation pursuant hereto to deposit with the custodian all attachments such as certificates, tax researches, surveys, and other documents pertaining to any act passed before them and this deposit must be made within sixty days of the date of registration and/or recordation of said act. It shall be the duty of the custodian to file these attachments in permanent, bound form, to the act to which they pertain. The bookbinding shall be done in accordance to standards that will ensure the indefinite survival of the records.

C.(1) The custodian of notarial records shall charge the sum of ten dollars for each act, contract, or other instrument thus filed and deposited in his office, and twenty dollars for each sketch, blueprint, or survey, with one-half of the fee collected to be dedicated to microfilm or other imaging projects, with the remainder to be used only for the expenses and maintenance of said office.

(2) Notwithstanding the provisions of this subsection, all veterans of the armed forces of the United States of America shall be exempt from paying any fee for the filing and depositing of their discharge certificates or other evidence of honorable separation from the armed forces with the custodian of notarial records.

(3) Notwithstanding the provisions of this Subsection, the city of New Orleans shall be exempt from payment of any filing fees.

D. Repealed by Acts 1997, No. 1102, § 2.

E. Every living, qualified notary public is authorized to certify true copies of any authentic act or any instrument under private signature hereafter or heretofore passed before him or acknowledged before him, and to make and certify copies, by any method, of any certificate, research, resolution, survey or other document annexed to the original of any authentic acts passed before him, and may certify such copies as true copies of the original document attached to the original passed before him.

F. Whenever any notary public for the parish of Orleans shall fail to comply with the provisions of this section then it shall be the duty of the custodian of notarial records to institute proceedings by rule in the Civil District Court for the parish of Orleans to require said notary public to show cause why his notarial commission should not be forfeited and why he should not be ordered to turn over all his notarial archives and records to the custodian of notarial records and pay all costs of said proceedings.

G. Repealed by Acts 1997, No. 1102, § 2.

§ 323.1. Microfilm records; use; separate location

A. Permission is hereby granted to the custodian to install and use microfilm or other modern technological machinery and apparatus in the recordation, filing, preservation, display, and reproduction of all records and documents filed or deposited with the custodian prior to July 29, 1970, and subsequent thereto.

B. The original master negative of such microfilm may be used for preparing digital images which can be utilized in lieu of the original document or record. Such microfilm shall be kept at a separate location from the original records and documents filed with the

custodian. The custodian may have working copies made of any of the master negatives, and keep the working copies on the premises of the New Orleans Notarial Archives to be used at his discretion in connection with the preservation of fragile volumes. The custodian may substitute the working copies for daily use of original volumes, so long as the original volumes remain in the collection and are easily available for examination in cases where the working copies of the microfilms are difficult to decipher.

C. Such microfilm copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof shall for all purposes be deemed to be a transcript, exemplification or certified copy of the original.

D. Nothing contained herein shall in any manner be construed to permit the destruction of any notarial records presently in the possession of, or which may hereafter come into the possession of, the custodian of notarial records.

§ 324. Bond of custodian

The custodian shall give bond, in addition to his notarial bond, in the amount of ten thousand dollars in favor of the governor, with one or more good and solvent sureties approved by the presiding judge of the Civil District Court of the Parish of Orleans, conditioned upon the faithful performance of his duties as custodian. This bond shall be filed in the office of the Secretary of State.

§ 325. Repealed by Acts 2007, No. 212, § 1.

§ 326. Repealed by Acts 2007, No. 212, § 1.

§ 327. Repealed by Acts 2007, No. 212, § 1.

§ 328. Repealed by Acts 2007, No. 212, § 1.

§ 329. Repealed by Acts 1997, No. 1102, § 2.

§ 330. Repealed by Acts 2007, No. 212, § 1.

§ 331. Repealed by Acts 2007, No. 212, § 1.

§ 332. Repealed by Acts 2007, No. 212, § 1.

§ 333. Repealed by Acts 2007, No. 212, § 1.

§ 334. Repealed by Acts 2007, No. 212, § 1.

§ 335. Repealed by Acts 2007, No. 212, § 1.

§ 336. Deputy of custodian; appointment of archivist

A. The custodian may appoint one deputy, who shall be sworn according to law, and such deputy, when appointed and sworn, shall have power to certify copies of acts and

records of all kinds in the office. The deputy appointed by the custodian shall devote full time to the duties of that office and not receive a salary that exceeds forty thousand dollars per annum.

B.(1) The custodian shall employ full-time professional archivist to assist the custodian with the responsibilities of the office and to ensure the adequate preservation of records and documents, whose salary shall not exceed thirty-five thousand dollars per annum.

(2) The archivist shall be certified by the Academy of Certified Archivists.

§ 337. Fees, salary, and excess funds of custodian

A. The custodian may charge and receive the same fees of office as are allowed by law to other notaries for the making and certifying of copies. The compensation of the custodian shall not exceed forty thousand dollars per annum and any remainder of fees shall be used solely to operate and maintain the functions of the office of notarial records.

B. Any unexpended or unencumbered funds remaining at the end of the fiscal year to the credit of the account of monies, fees, or sums collected by the custodian of notarial records shall be dedicated to microfilming or other imaging projects to ensure the indefinite survival of the records.

§ 337.1. City of New Orleans; exemption from fees

The city of New Orleans shall not be required to pay any of the fees charged for the services of the custodian of notarial records.

§ 338. Annual budget; submission to enumerated entities

A. The custodian of notarial records shall prepare a detailed annual budget at the end of his fiscal year and submit a copy of that budget to both the legislative auditor pursuant to R.S. 24:513 et seq. and the Joint Legislative Committee on the Budget, and shall publish a copy in the official journal of the parish of Orleans, at his own expense, commencing January 1, 1989.

B. The custodian shall include in the annual budget adequate provisions to ensure that there is systematic rebinding, page repair, and microfilming of notarial records created before July 29, 1970. The custodian shall be empowered to and shall make such reasonable rules and regulations relative to the use and preservation of documents and volumes in the New Orleans Notarial Archives as he judges necessary, except that nothing in this Section shall be construed to mean that the public shall not have free access to either original records or facsimiles thereof during all regular office hours, not including extended office hours.

CHAPTER 6. EX OFFICIO NOTARIES

§ 391. Ex officio notaries; qualifications

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

- (1) Is a resident citizen or alien of the state.
- (2) Is eighteen years of age or older.
- (3) Is able to read, write, and speak the English language and be possessed of

sufficient knowledge of the English language.

(4) Is not under interdiction or incapable of serving as an ex officio notary because of a mental infirmity.

(5) Is not under indictment for a felony and has not been convicted of a felony for which he has not been pardoned.

(6) Has given bond, with good and solvent security, in the sum of ten 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.

(7) In the case of a state employee who serves as an ex officio notary in the course and scope of his employment, records his oath of office with the secretary of state.

§ 392. Ex officio notaries; bond; oath

A. The bond required of all ex officio notaries, except those state employees who serve as ex officio notaries in the course and scope of their employment, shall be submitted to the clerk of court and ex officio recorder of mortgages for the parish where the ex officio notary will exercise the functions of his office, as well as filed in the office of the secretary of state. The bond shall be subscribed in favor of the governor; approved by the clerk, except in Orleans Parish; and if secured by personal surety, recorded in the mortgage office of the parish in a special book kept for bonds required of all notaries. In Orleans Parish, the bond shall be approved by the custodian of notarial records. The bond for state employees who serve as ex officio notaries shall be maintained in the division of administration, office of risk management.

B. The provisions governing the recordation of bonds issued by surety companies doing business in the state, the substitution and cancellation of personal surety bonds or special mortgages, the filing of substituted surety company bonds, the liability of notaries and sureties, and the limitation of actions against sureties, R.S. 35:193 through 200, shall apply to bonds issued for the faithful performance of the duties of ex officio notaries.

C. No ex officio notary who holds such office by virtue of duties affiliated with employment with a political subdivision of the state shall be required to file his or her oath of office as notary with any parish clerk of court.

§ 392.1. Ex officio notaries

A. Any person, not a regularly commissioned notary, who is an ex officio notary, or who is otherwise authorized under the various revised statutes and codes of this state to administer oaths or exercise any or all of the functions, powers, and authority of a notary, is authorized to perform those functions, powers, and authority only as they are directly related to and required for the operation of the office, agency, or department under which the authority is granted. All acts which are performed beyond the specific authority granted in the various statutes and codes of this state to administer oaths and to perform the functions, powers, and authority of a notary and which are not directly related to or required for the operation of the office, agency, or department shall be null and void.

B. The provisions of this Section shall not be applicable to documents notarized by a clerk of court or any of the deputy clerks of court who are employees of the clerk of court when such documents are notarized within the course and scope of their employment with the office of clerk of court. However, nothing in this Section shall prohibit such

clerks and deputy clerks from notarizing vehicle titles or acknowledging the signatures on authentic acts even if such authentic acts are not within the course and scope of their employment.

§ 393. Ex officio notaries public for the Department of Public Safety and Corrections; powers

A. Notwithstanding any provisions in the law relative to qualifications for and limitations on the number of notaries public, the governor is authorized to appoint, upon recommendation by the secretary of the Department of Public Safety and Corrections, the supervisors of each troop headquarters, any investigator of the internal affairs unit of the office of state police in the Department of Public Safety and Corrections, and the executive assistant to the general counsel of the Department of Public Safety and Corrections as ex officio notaries public who shall perform the duties provided hereunder without charge or other compensation. Any ex officio notary public appointed under the provisions of this Section shall possess those notarial powers as provided by law to administer oaths and take acknowledgments.

B. Additionally, specially designated commissioned Louisiana state police officers assigned to intelligence, detectives, narcotics, or internal affairs, specially designated commissioned officers of the office of the state fire marshal, and commissioned agents of the office of alcohol and tobacco control shall have the power to administer oaths and receive sworn statements, in connection with their official duties.

§ 393.1. Ex officio notaries public for the Department of Public Safety and Corrections; appointment by secretary

A. Notwithstanding any provision in the law relative to qualifications for and limitations on the number of notaries public, the secretary of the Department of Public Safety and Corrections is authorized to designate officers in his office and appoint them as ex officio notaries public.

B. Each officer so appointed may exercise the functions of a notary public only to administer oaths, receive sworn statements, and shall otherwise be limited to matters within the official functions of the Department of Public Safety and Corrections.

C. All acts performed by such an ex officio notary public authorized by this Section shall be performed without charge or other compensation and without the necessity of giving bond.

D. The secretary may suspend or terminate any appointment made pursuant to this Section at any time, and separation from the employ of the Department of Public Safety and Corrections shall automatically terminate the powers of such an ex officio notary public.

§ 394. Ex officio notaries public for the Department of Justice

A. Notwithstanding any provisions of the law relative to qualifications for and limitations on the number of notaries public, the governor is authorized to appoint, upon recommendation by the attorney general, investigators in the Department of Justice as ex officio notaries public. Each ex officio notary public appointed under the provisions of this Section shall be submitted to the Senate for confirmation.

B. Such an ex officio notary public may exercise the functions of a notary public only

to administer oaths and receive sworn statements and shall otherwise be limited to matters within the official functions of the Department of Justice.

C. All acts performed by such an ex officio notary public authorized by this Section shall be performed without charge or other compensation.

D. The attorney general may suspend or terminate any appointment made pursuant to this Section at any time, and separation from the employ of the Department of Justice shall automatically terminate the powers of such an ex officio notary public.

§ 395. Ex officio notaries public for the Department of State

A. Notwithstanding any provisions of the law relative to qualifications for notaries public, the secretary of state is authorized to appoint not more than six essential employees within the Department of State as ex officio notaries public.

B. Such ex officio notaries public may exercise the functions of a notary public only to administer oaths and receive sworn statements and shall be limited to matters within the official functions of the Department of State. They shall use the official seal of the department.

C. All acts performed by such ex officio notaries public authorized by this Section shall be performed without charge or other compensation.

§ 396. Ex officio notaries public for the Governor's Consumer Protection Division

A. Notwithstanding any provisions of the law relative to qualifications for and limitations on the number of notaries public, the governor is authorized to appoint, upon recommendation by the director of the Governor's Consumer Protection Division, investigative staff members in the Governor's Consumer Protection Division as ex officio notaries public. Each ex officio notary public appointed under the provisions of this Section shall be submitted to the Senate for confirmation.

B. Such ex officio notaries public may exercise the functions of a notary public only to administer oaths and receive sworn statements and shall otherwise be limited to matters within the official functions of the Governor's Consumer Protection Division as set forth in R.S. 51:1404.

C. All acts performed by such ex officio notary public authorized by this Section shall be performed without charge or other compensation.

D. The director of the Governor's Consumer Protection Division may suspend or terminate any appointment made pursuant to this Section at any time, and separation from the employ of the Governor's Consumer Protection Division shall automatically terminate the powers of such an ex officio notary public.

§ 35:396. Ex officio notaries public for Department of Insurance.

A. Notwithstanding any provisions of law relative to qualifications for notaries public, except R. S. 35:391, the commissioner of insurance may appoint not more than six employees of the Department of Insurance as ex officio notaries public.

B. Such ex officio notaries public may exercise the functions of a notary public only to administer oaths and receive sworn statements and shall be limited to matters within the official functions of the Department of Insurance. They shall use the official seal of the department.

C. All acts performed by an ex officio notary public authorized by this Section shall

be performed without charge or other compensation.

D. The commissioner of insurance may suspend or terminate any appointment made pursuant to this Section at any time, and separation from the employ of the Department of Insurance shall terminate the powers of the ex officio notary public.

§ 397. Ex officio notaries public for the Louisiana State Racing Commission

A. Notwithstanding any provisions of the law relative to qualifications for notaries public, the governor, upon the recommendation of the chairman of the Louisiana State Racing Commission, shall appoint not more than two of its employees at each racing commission office as ex officio notaries public.

B. Such ex officio notaries public may exercise the functions of a notary public only to administer oaths and receive sworn statements and shall be limited to matters within the official duties of R.S. 4:150(B)(11).

C. All acts performed by such ex officio notary public authorized by this Section shall be performed without charge or other compensation.

D. The provisions of this Section shall not cause any additional cost to the state.

§ 398. Ex officio notaries for district attorneys

A. Notwithstanding any provisions of the law relative to qualifications for and limitations on the number of notaries public, each district attorney may designate an investigator in his office as administrative assistant and appoint him as an ex officio notary public.

B. Such an ex officio notary public may exercise, in the judicial district which the district attorney serves, the functions of a notary public only to administer oaths and execute affidavits, acknowledgments, and other documents, all limited to matters within the official functions of the office of district attorney.

C. Such ex officio notary public shall fulfill the same bond requirements as provided by law in the parish or parishes comprising the district which the district attorney serves, provided the total amount of the bond shall not exceed the amount required to exercise the functions of notary public in a single parish.

D. All acts performed by such an ex officio notary public authorized by this Section shall be performed without charge or other compensation.

E. The district attorney may suspend or terminate an appointment made pursuant to this Section at any time, and separation from the employ of the district attorney shall automatically terminate the powers of such an ex officio notary public.

F. The district attorney shall pay as an expense of his office the costs of the notarial seal, the notarial bond, and any fees required for filing the bond.

§ 399. Repealed by Acts 2005, No. 55, § 2.

§ 400. Ex officio notaries public for the United States Forest Service

A. Notwithstanding any provisions of the law relative to qualification for and limitations on the number of notaries public, the governor is authorized to appoint, upon recommendation by the Forest Supervisor, realty specialists in the United States Forest Service as ex officio notaries public.

B. This ex officio notary public may exercise the functions of a notary public only to

administer oaths and execute affidavits, acknowledgments, and other documents, all limited to matters within the official functions of his employment with the United States Forest Service.

C. All acts performed by an ex officio notary public authorized by this Section may be performed in any parish where national forest lands are administered, and shall be performed without charge or other compensation.

D. Separation from the employ of the United States Forest Service shall automatically terminate the powers of this ex officio notary public.

§ 401. Ex officio notary public for the Sabine River Authority

A. Notwithstanding any provisions of the law relative to qualification for notaries public, the director of the Sabine River Authority may appoint one employee of the Sabine River Authority as ex officio notary public.

B. Such ex officio notary public may exercise the functions of a notary public only to administer oaths, receive sworn statements, and execute affidavits, acknowledgments, and other documents, and shall be limited to matters within the official functions of the Sabine River Authority.

C. All acts performed by such ex officio notary public authorized by this Section may be performed only in the parishes of Sabine, DeSoto, Beauregard, Calcasieu, Cameron, and Vernon and shall be performed without charge or other compensation.

D. The director of the Sabine River Authority may suspend or terminate any appointment made pursuant to this Section at any time and separation from the employ of the Sabine River Authority shall automatically terminate the powers of such ex officio notary public.

§ 402. Ex officio notaries public for the vital records registry

A. Notwithstanding any other provisions of the law to the contrary governing the qualifications and appointment of notaries public, the governor may appoint the state registrar of vital records to serve as ex officio notary public, and the state registrar of vital records may designate not more than three employees in the vital records registry to serve as ex officio notaries public.

B. Such ex officio notaries public may exercise the functions of a notary public only to execute affidavits as required under R.S. 9:224(B) to verify information contained in applications for a marriage license.

C. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation.

D. The state registrar of vital records may suspend or terminate any notary public he has appointed pursuant to this Section at any time, and separation from office or employment in the office of the state registrar of vital records of any ex officio notary public under this Section shall automatically terminate the powers of such an ex officio notary public.

§ 403. Ex officio notaries for hospital service district hospitals

A. Notwithstanding any provisions of the law relative to qualifications of notaries public, the director of a hospital service district hospital may appoint not more than two employees of the hospital as ex officio notaries public.

B. Such ex officio notaries may exercise the functions of a notary public only to administer oaths, receive sworn statements, execute affidavits, and acknowledgments and shall be limited to matters within the official business functions of the hospital.

C. Each ex officio notary public shall fulfill the same bond requirements as provided by law for notaries in the parish in which the hospital is located. The hospital shall pay as an expense of the hospital the costs of the notarial seal, the notarial bond, and any fees required for filing the bond.

D. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation.

E. The director of the hospital may suspend or terminate an appointment made pursuant to this Section at any time, and separation from the employ of the hospital shall automatically terminate the powers of the ex officio notary public.

§ 404. Ex officio notaries public of the office of financial institutions

A. Notwithstanding any provisions of law relative to qualifications for notaries public, except R.S. 35:391, the commissioner of financial institutions may appoint two investigators in his office as ex officio notaries public.

B. Such ex officio notaries public may exercise the functions of a notary public only to administer oaths and receive sworn statements and shall be limited to matters within the official functions of the office of financial institutions. They shall use the official seal of the department.

C. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation.

§ 405. Ex officio notary public for levee district police

A. Notwithstanding any provisions of law relative to qualifications for notaries public, except R.S. 35:391, the board of commissioners of a levee district created pursuant to the laws of this state may appoint three officers as ex officio notaries public. For purposes of this Section, "officer" means an employee who has attained the rank of lieutenant or a higher rank and who is a full-time commissioned police officer of the levee district.

B. Such ex officio notary public may exercise the functions of a notary public only to administer oaths, receive sworn statements, execute affidavits, acknowledgments, and other documents, and shall be limited to matters within the official functions of the law enforcement division of the levee district.

C. All acts performed by an ex officio notary public authorized by this Section may be performed only in the parishes in which the respective levee district has jurisdiction.

D. The board of commissioners of each levee district may suspend or terminate an appointment made pursuant to this Section at any time, and separation from the employ of a levee district shall automatically terminate the powers of such an ex officio notary public.

§ 406. Ex officio notaries public of the adult protection agency

A. Notwithstanding any provisions of law relative to qualifications for notaries public, except R.S. 35:391:

(1) The director of the office of elderly affairs may appoint two investigators in each

region of the adult protection agency, office of elderly affairs, office of the governor, as ex officio notaries public.

(2) The secretary of the Department of Health and Hospitals may appoint three investigators in the adult protection agency, Department of Health and Hospitals, as ex officio notaries public.

B. Such an ex officio notary public may exercise the functions of a notary public only to administer oaths, receive sworn statements, and execute affidavits and other documents, which shall be limited solely to matters within the official functions of the adult protection agency as provided in R.S. 14:403.2.

C. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation.

D. The director or secretary authorized to make such appointments may suspend or terminate any appointment made pursuant to this Section at any time. Separation from the employ of the adult protection agency shall automatically terminate the powers of such an ex officio notary public.

§ 407. Ex officio notaries for municipal police departments

A. Notwithstanding any provisions of the law relative to qualifications of notaries public, any chief of police of a municipal police department may designate officers in his office and any mayor in a municipality with a population of less than fifteen thousand may designate employees in his office, and appoint them as ex officio notaries public. Such designation by a mayor shall be for notarial service to the municipal police department and to the office of the mayor.

B. Each officer or employee so appointed as ex officio notary may exercise, within his respective jurisdictional limits, the functions of a notary public only to administer oaths and execute affidavits, acknowledgments, traffic tickets, and other documents, all limited to matters within the official functions of the office of the mayor or the municipal police department for the enforcement of the provisions of any statute which provides for criminal penalties and of the municipal ordinances which the police department is charged with enforcing, and any affidavit required for the enforcement of R.S. 32:661 through 669.

C. All acts performed by each ex officio notary public of a police department or office of the mayor authorized by this Section shall be performed without charge or other compensation and without the necessity of giving bond.

D. The chief of police of the police department or mayor may suspend or terminate an appointment made in his office pursuant to this Section at any time and separation from the employ of the police department or office of the mayor shall automatically terminate the powers of the ex officio notary public.

§ 408. Repealed by Acts 2012, No. 866, § 3

§ 409. Ex officio notaries for university police departments

A. Notwithstanding any provisions of the law relative to qualifications for and limitations on the number of notaries public, the chief of police of a university police department, which employs peace officers who are certified pursuant to the Peace Officer Standards and Training Law and are duly authorized with the powers of arrest, may

designate these officers in his office as ex officio notaries public.

B. Each officer appointed an ex officio notary public may exercise, within the jurisdictional limits of the university police department, the functions of a notary public only to administer oaths and execute affidavits, acknowledgments, traffic tickets, and other documents, all limited to matters within the official functions of the university police department.

C. Such ex officio notary public appointed pursuant to this Section, except for any state employee who serves as an ex officio notary public in the course and scope of his employment, shall fulfill the same bond requirements as provided by law for a notary in the parish in which the university is located. The university shall pay as an expense the costs of the notarial seal, the notarial bond, and any fees required for filing the bond.

D. All acts performed by such an ex officio notary public authorized by this Section shall be performed without charge or other compensation.

E. The chief of police of the university police department may suspend or terminate an appointment made pursuant to this Section at any time, and separation from the employ of the police department shall automatically terminate the powers of such an ex officio notary public.

§ 410. Ex officio notaries public for the Louisiana Agricultural Finance Authority or the Department of Agriculture and Forestry

A. Notwithstanding any provisions of the law relative to qualifications for and limitations on the number of notaries public, the commissioner of agriculture and forestry may appoint employees of the Louisiana Agricultural Finance Authority or the Department of Agriculture and Forestry as ex officio notaries public for the agriculture loan program.

B. Such ex officio notaries public may exercise the functions of a notary public only to administer oaths, receive sworn statements, and execute affidavits, acknowledgments, and other documents, and shall be limited to matters within the official functions for the agriculture loan program.

C. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation.

D. The commissioner of agriculture and forestry may suspend or terminate any appointment made pursuant to this Section at any time. Separation from the employ of the Louisiana Agricultural Finance Authority or the Department of Agriculture and Forestry shall automatically terminate the powers of such an ex officio notary public.

§ 411. Ex officio notaries public for the Office of Coastal Protection and Restoration

A. The executive director of the Office of Coastal Protection and Restoration may designate as ex officio notaries public up to five employees of the office.

B. Employees so designated may administer oaths, take acknowledgments, and attest on affidavits, and the authority granted under this Section is limited to acts and instruments to which the office, the executive director acting for the office, or the Coastal Protection and Restoration Authority, is a party, and other documents concerning any matter in which the office or the Coastal Protection and Restoration Authority has an official interest.

C. All acts performed by such ex officio notary public authorized by this Section shall

be performed without charge or other compensation and without the necessity of giving bond.

D. The executive director may suspend or terminate any appointment made pursuant to this Section at any time, and separation from the employ of the office shall automatically terminate the powers of such an ex officio notary public.

E. The cost of each notarial seal shall be paid by the Office of Coastal Protection and Restoration.

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

A. A person licensed to practice law in this state who is not a resident of this state but who maintains an office for the practice of law in this state, shall be a notary public ex officio and is authorized and empowered to exercise all the powers and functions of a regularly commissioned notary public in this state in any parish or parishes in which he maintains an office open to the public for the practice of law, upon filing a certificate of good standing from the Louisiana Supreme Court with the secretary of state.

B. No person qualified under this Section shall be required to otherwise qualify for, or hold, a regular commission as notary public to exercise such powers; however, the notary public ex officio shall furnish his current office address and residence address to the secretary of state as the registrar of notaries for the 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.

D. A notary public ex officio exercising notarial functions as authorized by the provisions of this Section may charge fees for notary services commensurate with the reasonable and customary fees for notarial services in the parish or parishes where the notary public ex officio maintains his office.

E. Any exercise of notarial powers pursuant to the provisions of this Section shall be deemed the practice of law for purposes of regulation by the Louisiana Supreme Court.

F. A person authorized as a notary public ex officio pursuant to the provisions of this Section shall exercise his powers and functions as a notary public ex officio only within the parish or parishes in which he maintains an office open to the public for the practice of law in this state.

§ 413. Ex officio notaries public for municipal or parish fire departments and fire protection districts

A. Notwithstanding any provisions of the law relative to qualifications of notaries public, any fire chief of a municipal or parish fire department or fire protection district may designate no more than three employees in his office and appoint them as ex officio notaries public.

B. Each employee so appointed as ex officio notary public may exercise, within his respective jurisdictional limits, the functions of a notary public only to administer oaths and execute affidavits and acknowledgments, all limited to matters within the official functions of the office of the municipal or parish fire department or fire protection district.

C. All acts performed by each ex officio notary public of a municipal or parish fire department or fire protection district authorized by this Section shall be performed without charge or other compensation and without the necessity of giving bond.

D. The fire chief of the municipal or parish fire department or fire protection district may suspend or terminate an appointment made in his office pursuant to this Section at any time, and separation from the employ of the municipal or parish fire department or fire protection district shall automatically terminate the powers of the ex officio notary public.

§ 414. Ex officio notaries public for Natchitoches Parish government

A. Notwithstanding any provisions of the law relative to qualifications of notaries public, the parish president of Natchitoches Parish may designate no more than two employees in his office and appoint them as ex officio notaries public.

B. Each employee so appointed as ex officio notary public may exercise, within his respective jurisdictional limits, the functions of a notary public only to administer oaths, receiving sworn statements, and execute affidavits and acknowledgments, all limited to matters within the official functions of the office of the parish president.

C. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation and without the necessity of giving bond.

D. The parish president may suspend or terminate an appointment made in his office pursuant to this Section at any time, and a separation from the employ of the parish shall automatically terminate the former employee's appointment as an ex officio notary public.

§ 35:415. Ex officio notaries for the Causeway Police Department.

A. Notwithstanding any provisions of the law relative to qualifications for and limitations on the number of notaries public, the chief of police of the Causeway Police Department, which employs peace officers who are certified pursuant to the Peace Officer Standards and Training Law and are duly authorized with the powers of arrest, may designate ten officers in his office as ex officio notaries public.

B. Each officer appointed as an ex officio notary public may exercise, within the jurisdictional limits of the Causeway Police Department, the functions of a notary public only to administer oaths and to execute affidavits, acknowledgments, and traffic tickets, all limited to matters within the official functions of the department.

C. Any acts performed by an ex officio notary public appointed pursuant to this Section shall be performed only in the parishes in which the Causeway Police Department has jurisdiction.

D. All acts performed by an ex officio notary public appointed pursuant to this Section shall be performed without charge or other compensation.

E. The chief of police of the Causeway Police Department may suspend or terminate an appointment made pursuant to this Section at any time and separation from the employ of the department shall automatically terminate the former employee's appointment as an ex officio notary public.

§ 416. Ex officio notaries for coroners

A. Notwithstanding any provisions of the law relative to qualifications for notaries public, each coroner may designate one deputy or assistant per shift for each office location and appoint them as ex officio notaries public.

B. (1) Deputy coroners and assistants so designated may, in the parish in which the coroner serves, administer oaths, take acknowledgments, and attest on affidavits. The authority granted under this Section is limited to acts and instruments to which the coroner, in his official capacity, or the office of the coroner is a party, and other documents concerning any matter in which the coroner in his official capacity, or the office of the coroner has an official interest. For each such action, the ex officio notary shall use the official seal of that respective coroner's office.

(2) Deputy coroners and assistants so designated shall fulfill the same bond requirements as provided bylaw for notaries in the parish which the coroner serves.

(3) The coroner shall pay as an expense of his office the costs of the notarial seal, the notarial bond, and any fees required for filing the bond.

C. All acts performed by such an ex officio notary public authorized by this Section shall be performed without charge or other compensation.

D. The coroner may suspend or terminate an appointment made pursuant to this Section at anytime, and separation from the employ of the coroner shall automatically terminate the powers of such an ex officio notary public.

§ 417. Ex officio notaries public for the DeSoto Parish government

A. Notwithstanding any provisions of the law relative to qualifications of notaries public, the president of the DeSoto Parish Police Jury may designate no more than two employees in his office and appoint them as ex officio notaries public.

B. Each employee so appointed as ex officio notary public may exercise, within his respective jurisdictional limits, the functions of a notary public only to administer oaths, receive sworn statements, and execute affidavits and acknowledgments, all limited to matters within the official functions of the office of the DeSoto Parish Police Jury.

C. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation and without the necessity of giving bond.

D. The president of the police jury may suspend or terminate an appointment made in his office pursuant to this Section at anytime, and as separation from the employ of the parish shall automatically terminate the former employee's appointment as an ex officio notary public.

CHAPTER 7. COMMISSIONERS [REPEALED]

§ 451. § § 451 to 460 Repealed by Acts 1977, No. 225, § 1

CHAPTER 8. ACKNOWLEDGMENTS PART I. ACKNOWLEDGMENTS WITHIN STATE

§ 511. Forms of acknowledgment

Either the forms of acknowledgment now in use in this State, or the following, may be used in the case of conveyances or other written instruments, whenever such

acknowledgment is required or authorized by law for any purpose:

(Begin in all cases by a caption specifying the state and place where the acknowledgment is taken).

1. In the case of natural persons acting in their own right:

On this _____ day of _____, 20__, _____ before me personally appeared A B (or A B and C D), to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed it as his (or their) free act and deed.

2. In the case of natural persons acting by attorney:

On this _____ day of _____, 20__, before me personally appeared A B, to me known to be the person who executed the foregoing instrument in behalf of C D, and acknowledged that he executed it as the free act and deed of said C D.

3. In the case of corporations or joint stock associations:

On this _____ day of _____, 20__, before me appeared A B, to me personally known, who, being by me duly sworn (or affirmed) did say that he is the president (or other officer or agent of the corporation or association), of (describing the corporation or association), and that the seal affixed to said instrument is the corporate seal of said corporation (or association) and that the instrument was signed and sealed in behalf of the corporation (or association) by authority of its Board of Directors (or trustees) and that A B acknowledged the instrument to be the free act and deed of the corporation (or association).

(In case the corporation or association has no corporate seal, omit the words “the seal affixed to said instrument is the corporate seal of the corporation (or association), and that” and add, at the end of the affidavit clause, the words “and that the corporation (or association) has no corporate seal”).

(In all cases, acknowledgments taken in this state shall be signed in conformity with the provisions of R.S. 35:12 and either Article 1836 of the Louisiana Civil Code or R.S. 13:3720).

§ 512. Married women, acknowledgment by

The acknowledgment of a married woman when required by law may be taken in the same form as if she were sole and without any examination separate and apart from her husband.

§ 513. Officers before whom proof or acknowledgment taken in other states

The proof or acknowledgment of any deed or other written instrument required to be proved or acknowledged in order to enable the same to be recorded or read in evidence, when made by any person without this state and within any other state, territory, or district of the United States, may be made before any officer of such state, territory or district, authorized by the laws thereof to take the proof and acknowledgment of deeds, and when so taken and certified under his official seal, shall be entitled to be recorded in this state, and may be read in evidence in the same manner and with like effect as proofs and acknowledgments taken before any of the officers now authorized by law to take such proofs and acknowledgments, and whose authority so to do is not intended to be hereby affected.

PART II. FOREIGN ACKNOWLEDGMENTS

§ 551. Officers before whom made

All instruments requiring acknowledgment, if acknowledged without the United States, shall be acknowledged before an ambassador, minister, envoy or charge d'affaires of the United States, in the country to which he is accredited, or before one of the following officers commissioned or accredited to act at the place where the acknowledgment is taken, and having an official seal, viz.:--any officer of the United States; a notary public; or a commissioner or other agent of this state having power to take acknowledgments.

§ 552. Form of certificate of acknowledgment

Every certificate of acknowledgment, made without the United States, shall contain the name or names of the person or persons making the acknowledgment, the date when and the place where made, a statement of the fact that the person or persons making the acknowledgment knew the contents of the instrument, and acknowledged it to be his, her or their act; the certificate shall also contain the name of the person before whom made, his official title, and be sealed with his official seal and may be substantially in the following form:

..... (name of country).

..... (name of city, province or other political subdivision)

Before the undersigned (naming the officer and designating his official title) duly commissioned (or appointed) and qualified, this day personally appeared at the place above named (naming the person or pesons acknowledging) who declared that he (she or they) knew the contents of the foregoing instrument, and acknowledged it to be his (her or their) act.

Witness my hand and official seal this day of 19 ..

..... (name of officer).

(seal)

..... (official title)

When the seal affixed shall contain the names or the official style of the officer, any error in stating, or failure to state otherwise the name or the official style of the officer, shall not render the certificate defective.

§ 553. Acknowledgments in form used in state

A certificate of acknowledgment of a deed or other instrument acknowledged without the United States before any officer mentioned in R.S. 35:551 shall also be valid if in the same form as now is or hereafter may be required by law, for an acknowledgment within this state.

§ 554. Interpretation and construction

This Part shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 555. Force and effect

Every acknowledgment or proof of any legal instrument and any oath or affirmation, taken or made before a commissioner, ambassador, minister, charge d'affaires, secretary of legation, consul general, consul, or vice consul, and every attestation or authentication made by them, when duly certified as above provided, shall have the force and effect of

an authentic act executed in this state.

CHAPTER 9. UNAUTHORIZED EXERCISE OF NOTARIAL POWERS

§ 601. Unlawful exercise of notarial powers; penalties

A. A person, who has not first been duly authorized to exercise notarial powers in this state or whose authority to exercise notarial powers in this state has been judicially revoked, shall not perform any of the following actions:

- (1) Exercise or purport to exercise any notarial function.
- (2) Hold himself out to the public as being entitled to exercise notarial functions.
- (3) Render or furnish notarial services.
- (4) Take any acknowledgment, administer any oath, or execute any instrument

purportedly as a notary public or as a person purportedly authorized to exercise notarial power and authority.

- (5) Assume to be a notary public or to be authorized to exercise notarial functions.

(6) Assume, use, or advertise the title of notary public or ex officio notary or equivalent terms in any language, or any similar title in such a manner as to convey the impression that he is authorized to exercise notarial powers.

B.(1) Any person who violates any provision of this Section shall be fined not more than one thousand dollars or imprisoned for not more than two years, or both.

(2) In addition to the penalties provided by Paragraph (1) of this Subsection, the person shall be required to make full restitution for all costs required to authenticate, confirm, or ratify any instruments that fail to qualify as notarial acts due to the lack of proper authority of the notary or purported notary, including all costs of recordation and all damages each affected party may suffer.

§ 602. Unlawful exercise of prior authorized or limited notarial powers; penalties

A. No person who has been duly appointed to the office of notary public or who has been otherwise authorized to exercise notarial functions in this state shall exercise any notarial function in this state during any period when:

- (1) His commission or authority to exercise notarial functions is either:

- (a) Statutorily or judicially suspended.
- (b) Statutorily or administratively revoked.

- (2) He is no longer validly commissioned in this state.

(3) He has elected to place his commission in retirement status under the provisions of R.S. 35:202(G).

(4) He is no longer validly possessed of the office or position from which his authority to exercise notarial functions was derived.

- (5) He has been convicted of a felony and has not been pardoned.

- (6) He is not authorized by law to exercise that particular notarial function.

B.(1) Any person who knowingly violates any provision of this Section shall be fined not more than one thousand dollars and shall be required to make full restitution for all costs required to authenticate, confirm, or ratify any instruments that fail to qualify as notarial acts due to the lack of proper authority of the notary or purported notary, including all costs of recordation and all damages each affected party may suffer.

- (2) In addition to the penalties provided in Paragraph (1) of this Subsection, the

person shall also be subject to a suspension or revocation of his commission and shall be subject to being permanently enjoined from exercising any notarial function in any capacity.

§ 603. Secretary of state; duties upon receipt of sworn complaint

A. The secretary of state, upon receipt of a sworn complaint alleging a violation of the provisions of R.S. 35:601 or 602, shall proceed as follows:

(1) If the records of the secretary of state indicate that the person who is the subject of the complaint has a valid active status, the secretary shall notify that person and the complainant of the findings.

(2) If the records of the secretary of state indicate that the person who is the subject of the complaint does not have a valid active status, the secretary of state shall send notice by certified mail, return receipt requested, to that person of the impediment to his authority and allow that person to remedy, if possible, the impediment within ten days of receipt of the notice.

(3) If the person who is the subject of the complaint fails to remedy the impediment to his authority within the time provided by Paragraph (2) of this Subsection, the secretary of state shall transmit a copy of the sworn complaint to the appropriate law enforcement or prosecutorial agency for further investigation or prosecution.

B. The secretary of state shall provide a form to be used to file a complaint alleging a violation of the provisions of R.S. 35:601 or 602. All complaints filed with the secretary of state shall be on the complaint form prepared by the secretary of state or on a form which contains the same information as required by the complaint form prepared by the secretary of state.

C. Nothing in this Section shall operate to limit any other legal methods of notice, service of process, or enforcement of any provision of R.S. 35:601 or 602.

§ 604. Applicability to licensed attorneys

Notwithstanding any provision of law to the contrary, the authority of the Louisiana Supreme Court to regulate the practice of law shall supersede the provision of this Chapter with respect to the enforcement of its provisions against an attorney licensed to practice law in this state.

**CHAPTER 10. NOTARIES IN BOSSIER AND WEBSTER PARISHES.
[REPEALED.]**

**CHAPTER 11. MODIFICATION OF PRESENCE REQUIREMENT FOR
NOTARY FUNCTIONS PERFORMED DURING 2020 COVID-19 PUBLIC
HEALTH EMERGENCY**

§ 701. Purpose; ratification

A. The legislature finds that the COVID-19 public health emergency created a statewide emergency disrupting the ability of notaries public to be in the physical presence of persons whose signatures the notary public was authenticating. This Chapter is enacted for the benefit and protection of the state as a whole and its citizens, to prevent injustice, inequity, undue hardship, and disruption of transactions to persons relying on the authentication of signatures of persons not in the physical presence of a notary public

by a notary public who authenticated the signature through electronic means using audio-video communication. Therefore, this Chapter shall be liberally construed to effect its purposes.

B. The action of the governor of this state in issuing Section 6 of Proclamation Number 37 JBE 2020 and Part C of Section 5 of Proclamation Number 41 JBE 2020 is hereby approved, ratified, and confirmed subject to the provisions of this Part.

§ 702. Remote notarization authorized

A. Notwithstanding any law to the contrary, any act in which any person or witness appeared before a notary public using an electronic device or process which allowed all such persons and the notary public to communicate simultaneously by sight and sound and to which the electronic signatures of such persons, witnesses, and the notary public were affixed on or after March 11, 2020, and before May 1, 2020, shall have the same force and effect as if all persons, witnesses, and the notary public had been in the physical presence of each other.

B. The provisions of Subsection A of this Section shall not apply to any testament, trust instrument, donation inter vivos, matrimonial agreement, act modifying, waiving, or extinguishing an obligation of final spousal support, or any amendments to such acts, or authentic acts.

C. An act which would constitute an authentic act but for the appearance of one or more necessary person via electronic means, may still be valid as an act under private signature or an acknowledged act.

CHAPTER 11. NOTARIES IN ORLEANS, ST. TAMMANY AND JEFFERSON PARISHES. [REPEALED.]

CHAPTER 12. NOTARIES PUBLIC: QUALIFICATION EXCEPTIONS

§ § 35:641 to 650. [Blank.]

§ 35:651. [Repealed.]

CHAPTER 13. NOTARIES IN ASSUMPTION AND ST. MARY PARISHES. [REPEALED.]

CHAPTER 14. NOTARIES PUBLIC: QUALIFICATION; EXPECTATIONS. [REPEALED.]

TITLE 36. ORGANIZATION OF THE EXECUTIVE BRANCH

§ 742. Powers and duties of secretary of state

In addition to the functions, powers, and duties otherwise vested in the secretary of state by law, he shall:

- (1) Represent the public interest in the administration of this Chapter and shall be responsible to the legislature and the public therefor.
- (2) Employ, appoint, remove, assign, and promote such personnel as is necessary for

the efficient administration of the department.

(3) In accordance with the Administrative Procedure Act, make, alter, amend, and promulgate rules and regulations necessary for the administration and the functions of the department.

(4) Organize, plan, supervise, direct, administer, execute and be responsible for the functions and programs vested in the department.

(5) Make reports and recommendations on his own initiative or upon the request of the legislature, or any committee or member thereof.

(6) Provide for the ongoing reorganization and consolidation of the department and submit a report thereon to the legislature, which report shall accompany the budget request which he submits under provisions of R.S. 39:33. Such report shall include a statement of the goals of the department and of the programs thereof and shall summarize the accomplishments of the department in meeting such goals and implementing such programs. The report shall also contain a specific statement of the reorganization and consolidation plan for the department for the next year and shall include a report on the implementation of such reorganization and consolidation plan for the previous year. The report concerning reorganization shall specifically detail the extent to which the department has achieved goals stated the previous year with respect to merger and consolidation of functions, consolidation of administrative and programmatic divisions of the department, elimination of job positions, and efficiency and economy in delivery of services. The report shall contain any recommendations with respect to reorganization which may require legislative action under the provisions of this Title. A copy of the report and recommended legislation shall also be submitted by the secretary of state to the presiding officer of each house of the legislature. The presiding officer shall refer the report to the appropriate committee having jurisdiction of the subject matter as provided in the rules of the respective house.

(7) Be responsible for accounting and budget control, procurement and contract management, management and program analysis, data processing, personnel management, and grants management for the department.

(8) Investigate allegations of election irregularities.

(9) Do such other things, not inconsistent with law, as are necessary to perform properly the functions vested in him.

LOUISIANA CIVIL CODE

BOOK III OF THE DIFFERENT MODES OF ACQUIRING THE OWNERSHIP OF THINGS TITLE VII — PARENT AND CHILD CHAPTER 5. PROOF OF OBLIGATIONS

Art. 1833. Authentic act

A. An authentic act is a writing executed before a notary public or other officer authorized to perform that function, in the presence of two witnesses, and signed by each party who executed it, by each witness, and by each notary public before whom it was executed. The typed or hand-printed name of each person shall be placed in a legible form immediately beneath the signature of each person signing the act.

B. To be an authentic act, the writing need not be executed at one time or place, or before the same notary public or in the presence of the same witnesses, provided that each party who executes it does so before a notary public or other officer authorized to perform that function, and in the presence of two witnesses and each party, each witness, and each notary public signs it. The failure to include the typed or hand-printed name of each person signing the act shall not affect the validity or authenticity of the act.

C. If a party is unable or does not know how to sign his name, the notary public must cause him to affix his mark to the writing.

Art. 1834. Act that fails to be authentic

An act that fails to be authentic because of the lack of competence or capacity of the notary public, or because of a defect of form, may still be valid as an act under private signature.

Art. 1835. Authentic act constitutes full proof between parties and heirs

An authentic act constitutes full proof of the agreement it contains, as against the parties, their heirs, and successors by universal or particular title.

Art. 1836. Act under private signature duly acknowledged

An act under private signature is regarded prima facie as the true and genuine act of a party executing it when his signature has been acknowledged, and the act shall be admitted in evidence without further proof.

An act under private signature may be acknowledged by a party to that act by recognizing the signature as his own before a court, or before a notary public, or other officer authorized to perform that function, in the presence of two witnesses. An act under private signature may be acknowledged also in any other manner authorized by law.

Nevertheless, an act under private signature, though acknowledged, cannot substitute for an authentic act when the law prescribes such an act.

Art. 1837. Act under private signature

An act under private signature need not be written by the parties, but must be signed by them.

Art. 1838. Party must acknowledge or deny signature

A party against whom an act under private signature is asserted must acknowledge his signature or deny that it is his.

In case of denial, any means of proof may be used to establish that the signature belongs to that party.

Art. 1839. Transfer of immovable property

A transfer of immovable property must be made by authentic act or by act under private signature. Nevertheless, an oral transfer is valid between the parties when the property has been actually delivered and the transferor recognizes the transfer when interrogated on oath.

An instrument involving immovable property shall have effect against third persons only from the time it is filed for registry in the parish where the property is located.

Art. 1840. Copy of authentic act

When certified by the notary public or other officer before whom the act was passed, a copy of an authentic act constitutes proof of the contents of the original, unless the copy is proved to be incorrect.

Art. 1841. Copy of recorded writing

When an authentic act or an acknowledged act under private signature has been filed for registry with a public officer, a copy of the act thus filed, when certified by that officer, constitutes proof of the contents of the original.

LOUISIANA ADMINISTRATIVE CODE

**TITLE 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS
PART XLVI. NOTARIES PUBLIC
CHAPTER 1. NOTARIES PUBLIC**

46:XLVI.101. Qualifications

A. Any resident citizen or alien of the state, 18 years of age or older, may be appointed a notary public in and for the parish in which he resides provided that he/she meets the requirements established by R.S. 35:191(C).

B. The applicant is required to complete an application to qualify form requiring the applicant to:

1. be a citizen or resident alien of the state;
2. be 18 years of age or older;
3. be registered to vote in the parish in which he seeks commission;
4. attest to his good moral character, integrity and sober habits;
5. must not be under an order of interdiction or is incapable of serving because of mental infirmity; and
6. must not have been convicted of a felony or has been pardoned if convicted.

C. The applicant must be able to read, write, speak, and be sufficiently knowledgeable of the English language. In addition, he must have one of the following:

1. received a high school diploma;
2. received a diploma for completion of a home study program approved by the State Board of Elementary and Secondary Education; or
3. been issued a high school equivalency diploma after successfully completing the test of General Education Development (GED).

D. The qualifying application fee is shown in § 129.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:191 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2784 (October 2013).

46:XLVI.103. Applications

A. notary applicant must be qualified by the notary division in the office of the secretary of state and must take and pass the Louisiana state notary examination (referred to as “notary exam”), unless the applicant is licensed to practice law in Louisiana.

B. The applicant must complete an application to qualify form and send it to the notary division in the secretary of state’s office. Once the application to qualify form has

been approved by the secretary of state's office, the applicant can register to take the notary exam by:

1. registering online at the secretary of state's website using a credit card; or
2. completing the examination registration form and:
 - a. attaching a check or money order made payable to the secretary of state and mailing the examination registration form to the notary division; or
 - b. completing a credit card cover sheet and faxing or emailing the sheet with the examination registration form to the notary division.
- C. To file online, the applicant must contact the notary division to obtain his access code by emailing notaries@sos.la.gov or by calling (225) 922-0507.
- D. The registration fee to take the notary exam is shown in § 129.
- E. Deadlines for submitting application to qualify and examination registration form are listed on the secretary of state's website notary division.
- F. The notary exam is given twice a year on the first Saturday in June and December. If the date falls on a state holiday, the notary exam will be given on the next nonholiday Saturday. The Office of Assessment and Evaluation within Louisiana State University conducts the notary exams regionally on behalf of the secretary of state's office.
- G. Any notary public commissioned by passing a parish notary exam can take the notary exam to obtain statewide jurisdiction. Failure to pass the notary exam shall have no effect on the status of the commission of the notary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:191, R.S. 35:191.1, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2784 (October 2013).

46:XLVI.105. Study Guide

- A. The official study guide for the notary exam is "The Fundamentals of Louisiana Notarial Law and Practice."
- B. The cost to purchase the study guide is shown in § 129 and is non-refundable.
- C. The study guide can be purchased by:
 1. ordering online at the secretary of state's website using a credit card;
 2. completing an order form, attaching a check or money order made payable to the secretary of state, and mailing to the notary division;
 3. completing an order form and providing a credit card number and faxing or emailing to the notary division; or
 4. visiting the notary division's customer service counter at the secretary of state's office at 8585 Archives Drive, Baton Rouge, LA during office hours of 8 a.m. to 4:30 p.m.
- D. The study guide is sent via U.S. mail on the day of receipt of the order if received before 12:30 p.m. Orders received after 12:30 p.m. will be mailed the next business day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:191.1 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2785 (October 2013).

46:XLVI.107. Courses

- A. Applicants are not required by law to take a course or instruction class in order for an applicant to take the notary exam.
- B. Although the secretary of state does not recommend particular courses or instructors, the department does maintain a list of registered and bonded notary exam

preparatory course providers.

C. All course providers, except an educational institution listed in R.S. 35:191.4(D), shall annually post a bond guarantee by a commercial surety company licensed to do business in Louisiana with the secretary of state in the amount of \$25,000.

D. Beginning February 8, 2015, all persons providing notary examination preparatory education and instruction must be a notary public with statewide notarial authority.

E. Each provider must submit an annual registration statement to the secretary of state on or before January 1 of each year on a form provided by the secretary of state. In addition, each provider shall submit a semiannual report to the secretary of state on or before June 30 and December 31 listing the name and address of each person who received a course or courses of instruction or study from the provider for the training and instruction for the notary exam required by the secretary of state during the time covered by the report.

F. Pursuant to R.S. 35:191.4(F)), if a provider does not submit an annual report or the annual report is not submitted timely, penalties may be imposed up to \$1,000 for each day the provider is not in compliance with this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:191.4 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2785 (October 2013).

46:XLVI.109. Louisiana State Notary Public Examinations

A. The notary exams are given at regional testing centers throughout the state.

B. The examinee can elect to take the notary exam in a computer-testing format or a paper-and-pencil format.

C. The registration fee for the notary exam is shown in § 129.

D. Statewide standards for the notary exam are available on the secretary of state's website under the section notary division examinations. These standards include:

1. application procedures;
2. examination schedule;
3. examination format and content; and
4. procedures for review of any examination which was taken and was failed by the examinee.

E. The Office of Assessment and Evaluation for Louisiana State University is offering a notary exam preassessment test to show the likelihood of a candidate's ability to be successful on the notary exam. Please refer to the secretary of state's website notary division for more information regarding this pre-assessment test. See § 129 for the pre-assessment test fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:191, R.S. 35:191.1, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2785 (October 2013).

46:XLVI.111. Notary Commission

A. Once an applicant has taken and passed the notary exam, the following documents must be filed with the secretary of state's office along with the commission filing fee (see § 129), in order to receive his notary commission;

1. two oaths of office forms, properly executed (one copy filed with secretary of state and one copy filed with parish clerk of court);

2. official signature page;
3. either of the following (exempt if an attorney):
 - a. surety bond or personal surety bond that has been approved by the parish clerk of court in the amount of \$10,000; or
 - b. errors and omissions policy in the amount of \$10,000; or
4. if an attorney, a certificate of good standing from the Louisiana Supreme Court (in lieu of bond or errors and omissions policy); and
5. commission filing fee (see § 129) with a check or money order made payable to the secretary of state.

B. A notary is commissioned based upon the commission date indicated on the notary database. He does not have to wait until he receives the commission certificate from the secretary of state's office before performing notary functions. In addition, a notary is commissioned for life.

C. A notary may request an additional commission certificate or replace a certificate by logging into his file online or by contacting the notary division. The fees for a certificate of notary commission or a replacement notary certificate are shown in § 129.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:71, R.S. 35:72, R.S. 35:75, R.S. 35:191, R.S. 35:191.2, R.S. 36:742, and Attorney General Opinion 1940 Volume 42 Page 2,346.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2785 (October 2013).

46:XLVI.113. Attorneys

A. An attorney who is licensed to practice law in Louisiana can obtain a notary commission by filing a qualifying application and commission documents.

B. The notary commission for an attorney must be filed in the parish of their residence.

C. An attorney is exempt from taking the notary exam and from the surety bond or personal surety bond requirements.

D. An attorney has statewide jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:71, R.S. 35:191, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2786 (October 2013).

46:XLVI.115. Parish Changes

A. If a notary moves to another parish, he must submit the following to the secretary of state:

1. completed qualifying application form with the qualifying fee which is separate from commission filing fee;
2. two oaths of office forms, properly executed (one copy filed with secretary of state and one copy filed with parish clerk of court);
3. official signature page;
4. either of the following (exempt if an attorney):
 - a. surety bond or personal surety bond that has been approved by the parish clerk of court in the amount of \$10,000;
 - b. errors and omissions policy in the amount of \$10,000; or
 - c. rider for an existing surety bond that has been approved by the parish clerk of court changing the parish; and
5. commission filing fee (see § 129) with a check or money order made payable to

the secretary of state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:71, R.S. 35:72, R.S. 35:75, R.S. 35:191, R.S. 35:191.3, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2786 (October 2013).

46:XLVI.117. Name Changes

A. If a notary's name changes, the notary must submit the following to the secretary of state:

1. two oaths of office forms, properly executed (one copy filed with secretary of state and one copy filed with parish clerk of court);
2. name change form listing name on current commission, new name requested, and reason for change;
3. official signature page;
4. either of the following (exempt if an attorney):
 - a. original or certified true copy surety or personal surety bond that has been approved by the parish clerk of court in the amount of \$10,000;
 - b. original errors and omissions policy in the amount of \$10,000; or
 - c. rider for an existing surety bond that has been approved by the parish clerk of court changing the name on the bond; and
5. commission filing fee (see § 129) with a check or money order made payable to the secretary of state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:71, R.S. 35:72, R.S. 35:75, R.S. 35:191, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2786 (October 2013).

46:XLVI.119. Dual Commission

A. Dual commissions can only be obtained for one other parish in which the notary maintains an office and is not reciprocal with the existing commission (see reciprocal parish list.)

B. If a notary requests a dual commission, he must submit the following to the secretary of state:

1. two oaths of office forms, properly executed (one copy filed with secretary of state and one copy filed with parish clerk of court);
2. official signature page;
3. either of the following (exempt if an attorney):
 - a. surety bond or personal surety bond that has been approved by the parish clerk of court in the amount of \$10,000; or
 - b. errors and omissions policy in the amount of \$10,000; and
4. commission filing fee (see § 129) with a check or money order made payable to the secretary of state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:71, R.S. 35:191, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2786 (October 2013).

46:XLVI.121. Notary Bond Renewal

A. Surety bonds and errors and omissions policies are filed with the secretary of state

every five years. Personal surety bonds expire at the death of the surety and must be renewed when such occurs.

B. Either of the following must be submitted to the secretary of state for bond renewal (exempt if an attorney):

1. surety bond or personal surety bond that has been approved by the parish clerk of court in the amount of \$10,000; or

2. errors and omissions policy in the amount of \$10,000.

C. A check or money order made payable to the secretary of state for the notary bond renewal filing fee (see § 129) must accompany the renewal for the notary bond.

D. A notary who fails to renew his notarial bond timely or fails to file his new or renewed bond of evidence of insurance coverage will be automatically suspended and will not have authority to perform the functions of a notary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:71, R.S. 35:72, R.S. 35:75, R.S. 35:191, and R.S. 36:742

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2786 (October 2013). *Louisiana Register Vol. 39, No. 10 2787 October 20, 2013*

46:XLVI.123. Leave of Absence

A. The secretary of state, on behalf of the governor, may grant a leave of absence to any notary that is absent from the state for a period not to exceed 36 months. The notary must provide the secretary of state with a letter requesting the leave specifying the date the notary is to be absent and the date of return.

B. If a notary is in the military service, he should notify the secretary of state's office certifying that he is a member of the military service of the United States or state of Louisiana. Included on the notification letter, he should show the expiration date of his bond and the period of leave which begins when the leave is granted. The notary will then have 60 days after the date of discharge to give the notary time to apply for a new bond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:131 et seq., R.S. 35:202, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2787 (October 2013).

46:XLVI.125. Retirement Status

A. Any notary who is 70 years or older shall be permitted to retire his commission by filing a retirement status affidavit form attesting to the notary's age and certifying that he will no longer exercise the duties and functions of a notary while retirement status is in effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:202 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2787 (October 2013).

46:XLVI.127. Resignation

A. Any notary may resign his commission by signing a letter of resignation and forwarding it to the secretary of state's office. After resigning, the notary shall not exercise any duties or functions of a notary public and may become an active notary again only by completing the application process of his parish including taking the exam, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:202 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2787 (October 2013).

46:XLVI.129. Notary Division Fee Schedule

A. The fee schedule for notaries public is as follows:

| Item | Fee |
|----------------------------------|------------|
| Annual Report | \$25 |
| Certificate of Notary Commission | \$20 |
| Certified Copy of Notary Bond | \$20 |
| Commission Filing Fee | \$35 |
| Notary Bond Renewal | \$20 |
| Notary Exam Pre-Assessment Test | \$30 |
| Notary Exam Registration Fee | \$75 |
| Notary Filing Information Packet | \$0 |
| Notary Study Guide | \$90 |
| Qualifying Application Fee | \$35 |
| Replacement Identification Card | \$3 |
| Replacement Notary Certificate | \$15 |

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:1 et seq., R.S. 35:191.2, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2787 (October 2013).

46:XLVI.131. Notary Seal

A. A notary's signature is his seal. If he elects to have a seal to use when notarizing documents, he is not required to have a particular style of seal to give authenticity to his copies.

B. The name of the notary and the witnesses must be typed, printed legibly, or stamped.

C. Every document notarized in the state of Louisiana shall have the notary identification number assigned to him/her by the secretary of state and that number shall be typed or printed legibly and placed next to the notary's name. If the notary is an attorney who is licensed to practice law in the state of Louisiana, he may use his Louisiana state bar roll number in lieu of his notary identification number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:12 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2787 (October 2013).

46:XLVI.133. Reciprocal Parishes

A. There are groups of reciprocal parishes created by the legislature (see R.S. 35:191). The reciprocal agreement allows a validly appointed notary in a parish authorization to exercise any and all functions of a notary in the reciprocal parishes without additional bonding or examination. For a list of reciprocal parishes, see the secretary of state's website notary division.

B. If a notary moves to a parish that is in his reciprocal grouping, he is still required to be commissioned in the parish he resides in.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:191 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2787 (October 2013).

46:XLVI.135. Fees to be Charged by a Notary Public

A. Louisiana does not have a statutory fee schedule which would determine or limit what a notary can charge for his services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2787 (October 2013).

46:XLVI.137. Notary Database

A. The secretary of state's website contains current contact information on all notaries commissioned in the state of Louisiana.

B. If a notary is listed on the notary database as being suspended, the notary did not file his annual report or his bond has expired.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:191.2 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division LR 39:2787 (October 2013).

46:XLVI.139. Annual Report

A. Within 60 days prior to the anniversary date of the notary's commission, the notary division shall mail out an annual report notice to all notaries in the state of Louisiana.

B. The notary can file his report by:

1. registering online at the secretary of state's website using a credit card; or

2. completing the annual report form and:

a. attaching a check or money order made payable to the secretary of state and mailing to the notary division; or

b. completing the credit card cover sheet and faxing or emailing with the annual report to the notary division.

C. The annual report filing fee is shown in § 129.

D. To file online, the notary will be required to use his notary identification number and the unique access code which is printed on the front of the annual report renewal notice post card.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:191.2, R.S. 35:202, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2787 (October 2013).

46:XLVI.141. Ex-Officio Notaries Public

A. An ex-officio notary public must meet the same qualifications as a notary public listed in § 101 above.

B. An ex-officio notary is required to file either of the following with the notary division of the secretary of state's office as a condition for the faithful performance of all duties required by law toward all persons who may employ him as an ex-officio notary:

1. original or certified true copy surety or personal surety bond that has been

approved by the parish clerk of court in the amount of \$10,000; or

2. original errors or omissions policy in the amount of \$10,000.

C. If the ex-officio notary is a state employee who serves as an ex-officio notary in the course and scope of his employment, he must file his oath of office with the secretary of state's office.

D. An ex-officio notary is authorized to perform functions, powers, and authority

only as directly related to and required for the operation of the office, agency, or department under which the authority is granted.

E. Title 35 Chapter 6 of the Revised Statutes contains specific requirements for ex-officio notaries who will perform various functions of a notary public in their place of employment (i.e. administer oaths, take acknowledgments, attest on affidavits, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:391 et seq. and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2788 (October 2013).

46:XLVI.143. Provisional Notary

A. A notary applicant can be provisionally commissioned if he meets the following qualifications and requirements:

1. the applicant resides and maintains a residence in a parish with a population of less than 40,000;

2. the applicant has passed the multiple choice and research section of the notary exam on or after December 1, 2009;

3. the applicant's authority to exercise the powers of a notary public is only within the course and scope of the applicant's employment;

4. the applicant's notarial authority shall be under the direction of a supervisor for the employer;

5. the applicant's supervisor shall not be a notary;

6. the applicant's employer must be a business that was in existence prior to January 1, 2013;

7. the applicant's employer shall not be a business whose primary function is to provide notary services;

8. the applicant's employer must be a party to the act or instrument being sworn to, acknowledged or passed before or the act or other instrument is necessary to or incidental to the business activity or operations of the employer;

9. at least one of the persons appearing before the applicant to execute an affidavit, acknowledgment, or other notarial act or instrument is a former, current, or prospective client or a customer of the employer;

10. applicant's jurisdiction is within the parish of commission and in any adjacent parish with a population of less than 40,000 where his employer maintains an office;

11. the applicant must post and maintain a bond, at the expense of employer, in the amount of \$20,000;

12. the applicant's employer shall hold harmless any claim made against the notary bond when the applicant is acting in the course and scope of employment or under the direction of the employer;

13. the applicant must submit the completed and notarized application for provisional notarial appointment provided by the secretary of state to the notary division;

14. the applicant is required to attend the notary orientation class provided by the secretary of state;

15. if the employer terminates the employment or no longer wishes to be bound by these provisions, he shall immediately send written notice to the secretary of state and the commission shall be automatically revoked unless:

a. the applicant declares in writing his intention to remain a provisional notary with an inactive status until a new application for provisional notary form from another

employer is submitted to the secretary of state; or

b. the applicant declares in writing the desire to remain a provisional notary with an inactive status while pursuing successful completion of the notary exam and shall exercise no notarial functions until notified by the secretary of state that his status has been changed;

16. if the applicant voluntarily terminates employment with named employer, a written notification to the secretary of state must be submitted and:

a. the applicant declares in writing his intention to remain a provisional notary with an inactive status until a new application for provisional notary form from another employer is submitted to the secretary of state; or

b. declares in writing his intention to remain a provisional notary with an inactive status while pursuing successful completion of the notary exam and shall have no authority to exercise notarial functions until notified by the secretary of state that his status has been changed;

17. the applicant understands that the employer is not liable for any damages caused by negligent or fraudulent errors or omissions when notarizing outside the course and scope of employment;

18. the commission can be suspended or revoked by the court or suspended by the secretary of state pursuant to R.S. 35:15; and

19. the provisional notary commission shall expire on August 1, 2016 unless all sections of the notary exam have been successfully completed.

B. The provisional notary has no authority to:

1. draft and prepare a last will and testament or donation mortis causa;

2. draft and prepare a trust; or

3. draft and prepare any instrument that transfers title to immovable property including but not limited to an act of sale or act of donation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:15, R.S. 35:191, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Commercial Division, LR 39:2788 (October 2013).