

Regular Session, 2012

SENATE BILL NO. 259

BY SENATOR WALSWORTH

NOTARIES. Provides certain limitation of powers for non-attorney commissioned notaries.  
(8/1/12)

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AN ACT

To amend and reenact R.S. 35:2(A)(1)(intro. paragraph) and to enact R.S. 35:2(D), relative to notaries public; to place certain limitations of power upon non-attorney commissioned notaries public; to provide terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 35.2(A)(1)(intro. paragraph) is hereby amended and reenacted and R.S. 35:2(D) is hereby enacted to read as follows:

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

A.(1) ~~Except as provided in Subsection D of this Section, n~~Notaries public have power within their several parishes:

\* \* \*

**D. (1) Notwithstanding any other law to the contrary, a non-attorney notary public who receives his statewide notary commission in Louisiana on or after August 1, 2012, shall not have authority to do the following:**

**(a) Draft and prepare a last will and testament or donations mortis causa.**

1                   **(b) Draft and prepare trusts.**

2                   **(c) Draft and prepare an act of sales, act of donation, or any other**  
3                   **document that transfers title to immovable property.**

4                   **(2) The secretary of state shall revise the statewide uniform notaries**  
5                   **public examination to ensure that the subjects of wills, trusts, and transfers and**  
6                   **donations of immovable property, are not included in examinations given after**  
7                   **August 1, 2012.**

8                   **(3) Statewide notaries public examinations given after August 1, 2012,**  
9                   **shall include a multiple choice section and a research section, but shall not**  
10                  **include a scenarios section.**

11                  **(4) Any person who has passed both the multiple choice and research**  
12                  **portions, but not the scenario portion, of the statewide uniform notaries public**  
13                  **examination between June, 2009, and June, 2012, shall be commissioned as a**  
14                  **Louisiana notary public with statewide jurisdiction on August 1, 2012.**

15                  **(5) A non-attorney notary public that is commissioned before August 1,**  
16                  **2012, shall not be subject to the provisions of this Subsection.**

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Heyward Jeffers.

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#### DIGEST

Present law provides notaries public the authority to make inventories, appraisements, and partitions.

Present law authorizes notaries public to receive wills, make protests, matrimonial contracts, conveyances, and generally, all contracts and instruments of writing.

Present law provides notaries public the authority to make affidavits of correction, to receive acknowledgment of instrument under private signature, to make affidavits of correction and to affix the seals upon the effects of deceased persons and raise the same.

Proposed law removes the authority of non-attorney notaries public to draft and prepare last wills and testaments or donations mortis causa, draft and prepare trusts, acts of sale, donations or any other document that transfers title to immovable property.

Proposed law requires the secretary of state to revise the statewide uniform notary examination to ensure that the subjects of wills, trusts, transfers and donations of immovable property, and successions are not included in examinations given after August 1, 2012.

Proposed law further provides that statewide notary examinations given after August 1,

2012, include a multiple choice section and a research section, but shall not include a scenarios section.

Proposed law provides that any person who has passed both the multiple choice and research portions of the statewide uniform notaries public examination between June, 2009, and June, 2012, shall be commissioned as a Louisiana notary public with statewide jurisdiction on August 1, 2012.

Proposed law provides that non-attorney notaries who are commissioned before August 1, 2012, shall not be subject to the provisions of this Subsection.

Effective August 1, 2012.

(Amends R.S. 35:2(A)(1) (intro. paragraph); adds R.S. 35:2(D))