

Regular Session, 2012

SENATE BILL NO. 356

BY SENATOR RISER

CLERKS OF COURT. Authorizes the position of parish affidavit clerk for certain notarial duties in parishes of less than fifty-thousand population. (8/1/12)

1 AN ACT  
2 To enact R.S. 13:751.1, relative to notaries; to provide for a court-appointed parish affidavit  
3 clerk; to provide for such parish affidavit clerk's qualifications, duties and authority;  
4 to provide certain procedures and effects; and to provide for related matters.  
5 Be it enacted by the Legislature of Louisiana:  
6 Section 1. R.S. 13:751.1 is hereby enacted to read as follows:  
7 **§751.1. Parish affidavit clerks**  
8 **A. When any parish with a population of less than fifty thousand people**  
9 **has an insufficiency of notaries as determined by the clerk of court of the**  
10 **district court in that parish, business owners licensed in the parish may**  
11 **nominate any one of their employees for the position of parish affidavit clerk.**  
12 **The requisite district court in that parish may appoint one or more of those**  
13 **nominees to be a parish affidavit clerk, subject to the provisions in this Section.**  
14 **B. The clerk of court shall keep a written record of each parish affidavit**  
15 **clerk's appointment and date of appointment in a separate book or electronic**  
16 **file created for that purpose. No later than five days following appointment, the**  
17 **district court shall provide to the secretary of state's office the names of**

1 appointed parish affidavit clerks, along with the date of each clerk's  
2 appointment.

3 C. The secretary of state shall keep a separate register of the names and  
4 dates of appointments of all parish affidavit clerks. A duplicate original court  
5 order of appointment containing the signature of the each parish affidavit clerk  
6 shall be filed with the secretary of state.

7 D. Appointed parish affidavit clerks shall have qualified for and taken  
8 the examination provided for in R.S. 35:191 and 191.1, and shall have passed all  
9 parts of that examination with the exception of any notarial performance  
10 assessment portion of that examination.

11 E. Parish affidavit clerks shall be authorized to perform the following  
12 duties only:

13 (1) administer oaths;

14 (2) attest to the oath and signature of affiants on affidavits made in the  
15 parish; and

16 (3) attest to an oath and signature of an appearer on forms of  
17 acknowledgment provided for in R.S. 35:511 and taken in the parish.

18 A parish affidavit clerk shall have no other authority with respect to any  
19 other type of certificate or juridical act. Any such unauthorized certificate or  
20 juridical act, when attested to by a parish affidavit clerk, shall be void and of  
21 no effect.

22 F. Parish affidavit clerks and their employers shall execute a good and  
23 sufficient surety bond as provided for in R.S. 35:71, conditioned on the parish  
24 affidavit clerk's faithful performance of his or her duties.

25 G. Parish affidavit clerks shall serve at the pleasure of the district court  
26 for a term not to exceed five years. The district court, on its own motion, may  
27 revoke the authority of a parish affidavit clerk by serving said revocation on the  
28 parish affidavit clerk and on the secretary of state.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

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DIGEST

Proposed law provides that in any parish with a population of less than 50,000 people, the clerk of court may determine that there is an insufficient number of notaries. Further provides that, upon such determination, business owners in that parish may nominate for appointment by the district court one or more employees to be appointed by the district court as a parish affidavit clerk.

Proposed law provides that the secretary of state shall keep a registry of the names and dates of appointment of all parish affidavit clerks. Further provides that parish affidavit clerks shall have qualified for the notary exam provided for in R.S. 35:191 and 191.1, and shall have passed all parts of that exam except for any notarial performance assessment portion.

Proposed law further provides that such parish affidavit clerks shall be authorized only to administer oaths; attest to the oath and signature of affiants on affidavits made within the parish; and attest to the oath and signature of an appearer on forms of acknowledgment taken within the parish.

Proposed law further provides that parish affidavit clerks shall serve at the pleasure of the district court for no more than five years, and shall maintain a surety bond as provided for in R.S. 35:71.

Effective August 1, 2012.

(Adds R.S. 13:751.1)