



**Louisiana Association of  
Independent Land Title Agents**

Board of Directors -March 31, 2020

## **Louisiana Association of Independent Land Title Agents Board of Director's Statement on the governor's remote online notary authorization**

Governor Edward's Proclamation No. 37, signed on March 26, at Section 6 provides for duly commissioned notaries of this state to use Remote Online Notary applications, also referred to as RON. LAILTA has numerous concerns with this provision and joins with the Louisiana Notary Association to voice concern as to both the practical and legal aspects of RON at this time in the State of Louisiana. Further LAILTA agrees with the position of the Louisiana Secretary of State whose office requested that the governor rescind Section 6 of Proclamation Number 37 JBE 2020 in its entirety. While LAILTA understands that remote online technology is a tool to be used in the real estate settlement services industry, there are many nuances to the procedure that are not provided for in the Proclamation. LAILTA supports the two bills currently read into the 2020 Legislature, namely HB 122 and HB 274, which are the product of the many industry stakeholders as well as legal authorities who have served on the Notary Committee at the Louisiana State Law Institute.

LAILTA shares in the Secretary of State's concerns regarding the (1) the absence of the necessary security and party-privacy provisions; (2) the absence of regulations concerning the platforms on which these specialized notarial services could be performed; (3) the doubtful legality of the authorization. Generally, this board shares the secretary's concerns.

Currently there are numerous online phishing scams which attempt to obtain an individual's Non-public Personal Information (NPI), a major concern of the U.S. Consumer Financial Protection Bureau. The American Land Title Association's Best Practice standards require title agents and other real estate service professionals to safeguard NPI at the risk of substantial monetary penalties.

Further, most if not all title insurance underwriters have issued statements that they will not insure RON documents for title purposes in the State of Louisiana at this time. Not all of the Parish Clerks are capable at this time of recording electronic documents. RON closings do not produce paper documents.

The two RON bills now pending in the Legislature include key components that tasks the Secretary of State with a duty to ensure notaries who are authorized to perform remote online notary services are properly informed on the use of the technology that will safeguard the privacy of the parties and the security of their non-public personal information. Unlike the authorization in Proclamation No. 37 Section 6, the proposed legislation requires the Secretary of State to gather stakeholders and subject matter experts to establish the standards for the protocols that notaries will use to keep data secure and NPI private. Nor does the provisions of Section 6

address the minimum standards necessary for the regulation of the platforms on which these specialized notarial services could be performed.

A fundamental function of a title agent is to insure and assure the citizens of this State that the title to their home and other real estate is sound and merchantable.

As I write this letter, title companies across the State are currently closing on residential and commercial transactions without any delay. The process has been changed to address the need for social distancing, as well as the general health and safety of the public and staff. Title settlement services are now being performed so that the commerce of this state is not impeded during this public health emergency.

The LAILTA Board is of the opinion that no prudent title attorney or title agent would avail him-or-herself of this authorization but would instead continue to process real estate settlement services as are currently being done statewide by 100s of Louisiana licensed title agents, who see no advantage to the public of using the provisions of Section 6, and would rather wait for the Louisiana Legislature to enact the Remote Online Notarization Act proposed under the bills cited above.

Sincerely yours,

A handwritten signature in blue ink that reads "Chad F. Reynolds". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Chad F. Reynolds  
President,  
Louisiana Association of Independent Land Title Agents