



To: All Louisiana Policy Issuing Agents of WFG National Title Insurance Company  
From: WFG Underwriting Department  
Date: July 24, 2025  
Bulletin No.: LA 2025-03  
Subject: 2025 Louisiana Legislative Session

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The 2025 Regular Legislative Session ended last month. This was a fiscal session with much of the focus on tax and (other) insurance reform. Nevertheless, there was legislation which will impact the title insurance industry. Unless otherwise specified, the new laws take effect August 1, 2025.

#### **SERVITUDES**

ACT 27 (SB 35) – This legislation amends the code articles on legal servitudes. The changes are largely stylistic, intended to clarify existing law according to the revision comments. The act relocates the existing law on utility servitudes from the Civil Code to Title 9 of the Revised Statutes, enacting Sections 1281-1289. It further clarifies that the owner of an enclosed estate is entitled to a legal servitude for a utility service commonly used in the operation of an ordinary household, regardless of the activity conducted on the dominant estate.

#### **LIENS/PRIVILEGES**

ACT 99 (SB 63) – This law enacts R.S. 33:4887, which provides municipalities with a privilege for unpaid sewer and water service fees. This applies only to non-owner occupied multifamily residential property with more than four units (e.g., large apartment complexes) that use a master meter service agreement. As passed, a municipality's sworn statement of privilege is effective only from recordation and is given priority only over subsequently recorded encumbrances. Like other liens in favor of political subdivisions, these recorded privileges are effective for 10 years and will need to be released if not prescribed.

#### **SUCCESSIONS**

ACT 30 (SB 49) – This act significantly relaxes the formalities required of wills. It removes the requirement that an olographic will be signed at the end. Revised Civil Code Art. 1575 now provides that the signature may appear anywhere in the testament and is sufficient if it identifies the testator, which according to the revision comments could be a full legal name, nickname, or even initials. Although an olographic will still must be dated, an incomplete date (e.g., March 2024) may be sufficient under the revised law unless the missing information is relevant (e.g., two wills executed in March 2024). Interestingly, the revision comments note that the handwriting requirement continues to restrict the validity of preprinted forms, but contemplate an olographic will written on something other than paper such as an electronic tablet.

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The changes made to notarial wills are even more profound. Under revised Civil Code Art. 1576, the execution of a notarial will has been simplified to mirror what is required for other authentic acts. The requirement for an attestation clause in a substantially similar form to what had been provided in the civil code has been eliminated as a condition of validity under Art. 1576, but it remains necessary for the will to be self-proving under new Code of Civil Procedure Art. 2887. Like an olographic will, the testator's signature may appear anywhere in the notarial testament and is sufficient if it identifies him, even if not with a full legal name. Although signing each separate page is no longer a condition of validity, it remains a requirement for the will to be self-proving under the new Code of Civil Procedure Art. 2887. The act also repeals Civil Code Articles 1577-1580.1 and the special procedures for testators who are unable to read, or who are deaf or blind.

If a notarial will is not signed on each page and lacks an attestation clause, it must be proved with the testimony of the notary and subscribing witnesses or others as outlined in Code of Civil Procedure Art. 2887. Affidavits can be submitted in lieu of live testimony in most cases. This act applies both prospectively and retroactively, but does not affect claims adjudicated by a final judgment prior to August 1.

ACT 39 (SB 93) – This bill enacts Civil Code Art. 1519.1, limiting the effect of no-contest clauses in wills and other juridical acts if a factual basis existed at the time of the challenge that would lead a reasonable person to conclude that there is a substantial likelihood of success. The revision comments distinguish frivolous lawsuits from good faith actions, and suggest that these clauses should be strictly construed.

#### **NOTARIES**

ACT 55 (HB 89) – This act amends R.S. 40:41, authorizing a notary to obtain a death certificate upon certifying that he is assisting an heir in the preparation of a small succession affidavit. It is unclear why this was necessary after last year's Act 90, which eliminated the requirement to attach a death certificate to a small succession affidavit.

ACT 258 (HB 259) – This act, effective February 1, 2026, amends notarial bond requirements in Title 35. Under the revised law, notaries no longer can maintain errors and omissions coverage in lieu of a bond. The bond amount has been raised from \$10,000 to \$50,000. Also, the bond no longer must be approved by, or filed with, the clerk of court unless it is secured by a special mortgage or personal surety. These requirements do not apply to attorney notaries. Also, note that the law does not prohibit notaries from carrying E&O coverage in addition to their statutory bonds, as is required under your agency agreement with WFG.

#### **CIVIL PROCEDURE**

ACT 250 (HB 178) – This bill provides mostly technical revisions to the Code of Civil Procedure. There are some interesting provisions intended to tackle the use of AI-generated evidence, including the application of a reasonable diligence standard in verifying its authenticity. It also amends Code of Civil Procedure Art. 1913 to allow for notice of signing of a judgment to be delivered in open court. A substantial amendment to the original bill revises Code of Civil Procedure Art. 3721 to allow for the recovery of post-judgment accrued interest in foreclosures.

ACT 352 (HB 310) – Last year's Act 694 amended Code of Civil Procedure Art. 253 to require attorneys to e-file all civil and criminal pleadings beginning January 1, 2026. This year, the legislature reversed course and amended Code of Civil Procedure Art. 253 to allow attorneys to continue filing pleadings in person in paper form after January 1. The act also authorizes original wills, original promissory notes, and

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certain motions for default judgment to be filed in paper form in person, by mail, or by commercial carrier.

### **TAX SALES**

ACT 411 (SB 55) – This act follows last year’s overhaul of the delinquent property tax collection statutes, which will take effect on January 1, 2026. See [Informational Bulletin LA 2024-02](#). As noted then, Louisiana is replacing its current tax sale approach with a tax lien model. This year’s legislation further refines some of the pending changes, mostly on stylistic and technical grounds. It also provides a mechanism for political subdivisions to convert previously adjudicated property to tax liens. We will provide updated underwriting guidelines in advance of the first tax liens becoming eligible for foreclosure in 2029. Until then, insuring tax sale titles continue to require underwriting review and approval.

### **ABSTRACTS**

ACT 498 (HB 404) – Last year’s third special session resulted in the formal inclusion of abstracts of title in services subject to sales tax. This act resolves jurisdictional questions by providing that abstracts are sourced to (and thus taxed in) the location of the abstractor’s principal place of business in Louisiana. This change took effect July 1 and applies both prospectively and retroactively.

### **INSURANCE PRODUCERS**

ACT 501 (HB 441) – This act, effective January 1, 2026, raises some of the fees charged by the Department of Insurance. Producer renewal fees will increase from \$50 to \$75.

### **FEDERAL PAYMENTS**

On the federal front, there have been reports that the IRS will no longer accept paper checks beginning September 30, 2025, in light of Executive Order 14247 issued this past March. This change could impact the sending of FIRPTA payments and tax lien payoffs in real estate closings. We urge you to stay abreast of changes at the IRS and other federal agencies and carefully review payment instructions. More information can be found online at the [Department of Treasury](#).

The full text of the acts are available at the [Louisiana Legislature website](#). If you have any questions or concerns, please do not hesitate to contact us.

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