

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 910
Version: Second engrossment

DATE: March 17, 2010

Authors: Hortman and others

Subject: Notaries public

Analyst: Matt Gehring, 651-296-5052

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill makes various miscellaneous changes to the laws governing notaries public.

Section

- 1** **Fee amount.** Reduces the fee for recording a notary commission that may be charged by a court administrator from \$100 to \$20, and eliminates a requirement that a portion of the fee be deposited in the state general fund.

The elimination of a deposit of the fee amount into the general fund is offset by an addition of identical language and an increase in the fee collected by the Secretary of State for these purposes later in the bill.

- 2** **Official seal.** Replaces a reference to an “official seal” with a reference to an official “notarial stamp.”

- 3** **Official seal.** Replaces a reference to an “official seal” with a reference to an official “notarial stamp.”

- 4** **Ex officio notary public.** Adds an official form of signature for certain local officials and court commissioners who have the powers of ex officio notaries public.

This section also requires ex officio notaries public to obtain and use an official stamp for notarial acts. Provisions for a transition period while the ex officio notary acquires the stamp are provided.

- 5** **Certificate.** Requires that a notary’s name as it appears on the notarial stamp be identical to the notary’s commission, and as it appears on any jurat or certificate of acknowledgement. Any notarial act would be required to include an official stamp.

This section also requires that a certificate of notarial act be printed in English in order to meet requirements of sufficiency.

- 6 Short forms.** Replaces references to a “seal” with references to a “stamp.”
- 7 Nonresident notaries.** Eliminates the requirement that an out-of-state notary residing in a state neighboring Minnesota also reside in a county that shares a boundary with Minnesota.
- This section also requires that an out-of-state notary designate a county within Minnesota in which the notary’s commission will be recorded.
- 8 Fees.** Increases the fee that must be submitted to the Secretary of State when filing an application for a notary commission. The fee is increased from \$40 to \$120, with a requirement that the fee be forwarded for deposit in the general fund.
- 9 Term; renewal.** This section extends the period during which a notary may apply for renewal of a commission. Currently, a notary may apply for renewal within 60 days of expiration of the commission. The new language would permit renewal beginning six months prior to expiration.
- Miscellaneous technical changes are also included in this section.
- 10 Requirement; stamps.** Requires that all notaries, including ex officio notaries, obtain an official notarial stamp.
- This section also specifies that the official notarial stamp and the notary’s official journal are the notary’s personal property.
- 11 Validation of certain documents.** Adds references to a “stamp” in addition to an official seal.
- 12 Specifications; stamps.** Modifies certain specifications related to the appearance of a notarial stamp.
- 13 Electronic seal.** Provides conforming changes related to the appearance of a notary’s electronic seal.
- 14 Record of commission.** Provides conforming changes related to requirements for registering a notary’s commission with the appropriate court administrator or county official.
- This section also enacts a county notary certificate for use when duties related to notaries have been assigned to a county department. A fee of \$5 for these acts is provided.
- 15 Accommodation of physical limitations.** Permits a notary to certify the signature or subscription of an individual when it appears the individual has a physical limitation that restricts the individual’s ability to sign by writing or making a mark. Standards for accommodation are provided.
- 16 Administrative actions.** Permits the commissioner of commerce to remove a notary from office following procedures that currently exist in law related to actions against licensees.
- 17 Repealer.** Repeals the following section of law:

359.05: Provisions related to the date of expiration of a commission and name to be

endorsed.