

SENATE BILL NO. 2179

Introduced by

Senators Traynor, Lee, Watne

Representatives Delmore, Rennerfeldt

1 A BILL for an Act to create and enact a new section to chapter 47-19 of the North Dakota
2 Century Code, relating to the authority of North Dakota notaries to act in other states; to amend
3 and reenact section 44-06-01 of the North Dakota Century Code, relating to the performance of
4 notarial acts; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 44-06-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **44-06-01. Appointment and qualification of notaries public.** The secretary of state
9 shall appoint notaries public. A notary holds office for six years unless sooner removed by the
10 secretary of state. Each notary may administer oaths and perform all other duties required by
11 law. Notwithstanding any other provision of law, a notary public may perform any notarial act
12 as defined in section 47-19-14.1 outside the state as provided in section 2 of this Act. A notary
13 public must have the qualifications of an elector as to age and residence or must reside in a
14 county that borders this state and which is in a state that extends reciprocity to a notary public
15 who resides in a border county of this state. If the person resides in a county bordering this
16 state, that person must designate the secretary of state as the agent for service of process, for
17 all purposes relating to notarial acts, including the receipt of correspondence relating to notarial
18 acts.

19 **SECTION 2.** A new section to chapter 47-19 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Authority of North Dakota notaries in other states.** A North Dakota notary may
22 perform a notarial act in another state if that state recognizes the notary's authority within that
23 state.

24 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.