

SENATE BILL NO. 2255

Introduced by

Senator Traynor

1 A BILL for an Act to amend and reenact sections 44-06-02, 44-06-04.1, and 44-06-12 and
2 subsection 4 of section 44-06-13.1 of the North Dakota Century Code, relating to notary public
3 address and name changes.

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

5 **SECTION 1. AMENDMENT.** Section 44-06-02 of the 1999 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **44-06-02. Commission - Record - Fee - Notice.** The secretary of state shall issue a
8 commission to each notary public appointed by the secretary of state ~~which must be posted by~~
9 ~~such.~~ The notary shall post the commission in a conspicuous place in the notary's office. The
10 secretary of state shall collect twenty-five dollars for the issuance of ~~such~~ the commission.
11 ~~Such sum must be paid into the state treasury and credited to~~ The secretary of state shall remit
12 all fees collected under this section to the state treasurer for deposit in the general fund. The
13 secretary of state shall keep a record of ~~such~~ appointments and the date of the expiration of the
14 ~~same and~~ appointments. The secretary of state shall notify each notary public by mail at least
15 thirty days before the expiration of the notary public's term of the date upon which the notary
16 public's commission will expire. ~~Such~~ The notice must be addressed to ~~such~~ the notary public
17 at the last known place of residence. Each notary public issued a commission shall notify the
18 secretary of state by mail within ~~thirty~~ sixty days of any change of address. If a notary fails to
19 notify the secretary of state within sixty days of a change of address, the secretary of state may
20 impose a late fee in the amount of ten dollars. The notary shall pay any late fee imposed by the
21 secretary of state before the renewal of the notary's commission.

22 **SECTION 2. AMENDMENT.** Section 44-06-04.1 of the 1999 Supplement to the North
23 Dakota Century Code is amended and reenacted as follows:

1 **44-06-04.1. Name change.** A notary who has legally changed the notary's name shall
2 submit to the secretary of state a rider to the notary's surety bond stating both the old and new
3 names, the effective date of the new name, and a ten dollar fee within ~~thirty~~ sixty days of the
4 name change. Upon receipt of the rider and fee the secretary of state shall issue a certificate of
5 authorization that a notary public may use to obtain a new seal. Once the authorization is on
6 file the secretary of state shall issue a commission with the notary's new name. After
7 notification to the secretary of state of the name change and until a new seal is obtained, the
8 notary may continue to use the old seal but must sign any notarial certificate substantially as
9 follows:

10 _____
11 Notary public North Dakota
12 Formerly known and commissioned as
13 _____
14 My commission expires_____

15 Notary Seal

16 **SECTION 3. AMENDMENT.** Section 44-06-12 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **44-06-12. Notary public commission - Date of expiration.** Every notary public taking
19 an acknowledgment to any instrument, immediately following ~~his~~ the notary's signature to the
20 jurat or certificates of acknowledgment, shall legibly print, stamp, or type ~~his~~ the notary's name
21 and ~~shall~~ endorse the date of the expiration of ~~such~~ the commission. ~~Such~~ The endorsement
22 may be written legibly, stamped, or printed upon the instrument either connected to or
23 disconnected from the seal, and must be substantially in the following form:

24 My commission expires _____, ~~19~~_____.

25 **SECTION 4. AMENDMENT.** Subsection 4 of section 44-06-13.1 of the 1999
26 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27 4. ~~The~~ Except as otherwise provided by law, the notary public uses a name or initial
28 in notarizing the document other than as it appears on the notary's commission.
29 However, such an act by a notary by itself does not affect the validity of the
30 document.