

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2255
(Senator Traynor)

AN ACT to amend and reenact sections 44-06-02, 44-06-04.1, and 44-06-12 and subsection 4 of section 44-06-13.1 of the North Dakota Century Code, relating to notary public address and name changes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

Notary public North Dakota
Formerly known and commissioned as

My commission expires

Notary Seal

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

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

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

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2255.

Senate Vote: Yeas 38 Nays 11 Absent 0

House Vote: Yeas 79 Nays 15 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State