

HOUSE BILL NO. 1207

Introduced by

Representatives Klemin, Becker, Haak

Senators Hogue, Poolman, Sitte

1 A BILL for an Act to amend and reenact subsection 1 of section 44-06.1-16, section 44-06.1-18,
2 subsection 5 of section 44-06.1-21, and section 44-06.1-22 of the North Dakota Century Code,
3 relating to notary stamps, the use of civil penalties collected by the secretary of state, and
4 implementation of a notary public database; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 44-06.1-16 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. The secretary of state, upon receipt of the proper fee, oath, and bond, shall issue a
9 certificate of authorization with which the notary public may obtain an official notary
10 stamping device. A notary stamp vendor may provide a notary with an official stamping
11 device only upon presentation by the notary of a certificate of authorization. The notary
12 public shall place an impression of the notary's stamp on the certificate of
13 authorization and return the certificate of authorization to the secretary of state. After
14 the certificate of authorization is received, approved, and filed, the secretary of state
15 shall issue a notary commission that authorizes the notary to commence the duties of
16 the office of notary public. A notary being commissioned must obtain a stamping
17 device approved by the secretary of state which must be designed to leave a clear
18 impression, be photographically reproducible, include the words "State of North
19 Dakota" and "Notary Public", contain the name and commission expiration date of the
20 notary public exactly as shown on the notary's commission, and which may not
21 contain any other words, numbers, symbols, or a reproduction of the great seal of the
22 state. All notary stamps must be surrounded by a border and, except as otherwise
23 permitted by the secretary of state, may be either up to or equal to one and five-eighths
24 inch [41.28 millimeters] in diameter or if of a rectangular design, may be up to or equal

1 to seven-eighths inch [22.23 millimeters] vertically by two and five-eighths inches
2 [66.68 millimeters] horizontally.

3 **SECTION 2. AMENDMENT.** Section 44-06.1-18 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **44-06.1-18. (Effective after July 31, 2013~~2015~~) Notification regarding performance of**
6 **notarial acts on electronic record - Selection of technology.**

- 7 1. A notary public may select one or more tamper-evident technologies to perform
8 notarial acts with respect to electronic records. An individual may not require a notary
9 public to perform a notarial act with respect to an electronic record with a technology
10 that the notary public has not selected.
- 11 2. Before a notary public performs the notary public's initial notarial act with respect to an
12 electronic record, a notary public shall notify the secretary of state that the notary
13 public will be performing notarial acts with respect to electronic records and identify
14 the technology the notary public intends to use. If the secretary of state has
15 established standards for approval of technology pursuant to section 44-06.1-25, the
16 technology must conform to the standards. If the technology conforms to the
17 standards, the secretary of state shall approve the use of the technology.

18 **SECTION 3. AMENDMENT.** Subsection 5 of section 44-06.1-21 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 5. The secretary of state may impose a lesser sanction for a violation of any provision of
21 this chapter if determined appropriate by the secretary of state under the pertinent
22 facts and circumstances. A lesser sanction includes imposition of a civil penalty not to
23 exceed five hundred dollars or a letter of reprimand. Any civil penalty collected by the
24 secretary of state must be deposited in the secretary of state's general services
25 operating fund.

26 **SECTION 4. AMENDMENT.** Section 44-06.1-22 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **44-06.1-22. (~~Effective after July 31, 2013~~) Database of notaries public.**

29 The~~When the secretary of state acquires or develops the technical capability to maintain an~~
30 electronic database of notaries public, the secretary of state shall maintain an electronic
31 database of notaries public:

Sixty-third
Legislative Assembly

- 1 1. Through which an individual may verify the authority of a notary public to perform
- 2 notarial acts; and
- 3 2. Which indicates whether a notary public has notified the secretary of state that the
- 4 notary public will be performing notarial acts on electronic records.