

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1207
(Representatives Klemin, Becker, Haak)
(Senators Hogue, Poolman, Sitte)

AN ACT to create and enact a new subsection to section 44-06.1-09 of the North Dakota Century Code, relating to notarial acts performed in this state and bordering states; to amend and reenact subsection 1 of section 44-06.1-16, subsection 5 of section 44-06.1-21, and section 44-06.1-22 of the North Dakota Century Code, relating to notary stamps, the use of civil penalties collected by the secretary of state, and implementation of a notary public database; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 44-06.1-09 of the North Dakota Century Code is created and enacted as follows:

A notarial act performed in this state by a notarial officer of a bordering state has the same effect as if the act were performed by a notarial officer of this state, if the bordering state grants notarial officers of this state similar authority within that state.

SECTION 2. AMENDMENT. Subsection 1 of section 44-06.1-16 of the North Dakota Century Code is amended and reenacted as follows:

1. The secretary of state, upon receipt of the proper fee, oath, and bond, shall issue a certificate of authorization with which the notary public may obtain an official notary stamping device. A notary stamp vendor may provide a notary with an official stamping device only upon presentation by the notary of a certificate of authorization. The notary public shall place an impression of the notary's stamp on the certificate of authorization and return the certificate of authorization to the secretary of state. After the certificate of authorization is received, approved, and filed, the secretary of state shall issue a notary commission that authorizes the notary to commence the duties of the office of notary public. A notary being commissioned must obtain a stamping device approved by the secretary of state which must be designed to leave a clear impression, be photographically reproducible, include the words "State of North Dakota" and "Notary Public", contain the name and commission expiration date of the notary public exactly as shown on the notary's commission, and which may not contain any other words, numbers, symbols, or a reproduction of the great seal of the state. All notary stamps must be surrounded by a border and, except as otherwise permitted by the secretary of state, may be either up to or equal to one and five-eighths inch [41.28 millimeters] in diameter or if of a rectangular design, may be up to or equal to seven-eighths inch [22.23 millimeters] vertically by two and five-eighths inches [66.68 millimeters] horizontally.

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

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

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

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

TheWhen the secretary of state acquires or develops the technical capability to maintain an electronic database of notaries public, the secretary of state shall maintain an electronic database of notaries public:

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

SECTION 5. EMERGENCY. Section 1 of this Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1207 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 91 Nays 0 Absent 3

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,
at _____ o'clock _____ M.

Secretary of State