

Honolulu, Hawaii

April 24, 2008

RE: H.B. No. 2920  
S.D. 1  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2920, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FRAUD PREVENTION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to deter fraud by strengthening the laws relating to notaries and notarized documents. Specifically, this bill:

- (1) Enumerates the powers and duties of the Attorney General (AG) with regard to notaries;
- (2) Establishes criminal offenses for:
  - (A) A notary failing to verify the identity and signature of the signer of a notarized document;

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- (B) A notary failing to authenticate a document with a certification statement;
  - (C) Misrepresenting a notarized document; and
  - (D) Unauthorized practice as a notary;
- (3) Authorizes the AG to prescribe measures as necessary to prevent the fraudulent use of notarized documents;
  - (4) Specifies conduct that would subject a notary to administrative fines; and
  - (5) Requires notaries to keep a record of the nature of the thing to which the notarized document relates.

Your Committee on Conference has amended this bill by:

- (1) Eliminating the mandatory, minimum fines for the new offenses relating to:
  - (A) A notary failing to verify the identity and signature of the signer of a notarized document;
  - (B) A notary failing to authenticate a document with a certification statement; and
  - (C) Unauthorized practice as a notary;
- (2) Eliminating from the list of conduct that would subject a notary to administrative fines, a notary's failure to:
  - (A) Notify the AG of changes in occupation, residence, or employment, within 30 days of the change;
  - (B) Display signage indicating the availability of notary services to the public;
  - (C) Offer notary services, by appointment or otherwise, during all normal business hours of operation where the notary is employed; and
  - (D) Timely renew a notary public commission by failing to submit a completed renewal application, pay the renewal fee, or complete the processing and filing of



a commission for renewal by the date of expiration of the notary public's commission;

- (3) Changing the effective date to January 1, 2009; and
- (4) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2920, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2920, S.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



RUSSELL S. KOKUBUN, Chair



ROBERT N. HERKES, Co-Chair



TOMMY WATERS, Co-Chair



