

JAN 28 2009

A BILL FOR AN ACT

RELATING TO NOTARIES PUBLIC.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 710, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§710- Authorized changes to documents after
5 notarization. The following shall not be considered
6 misrepresentations or alterations prohibited by sections 710-
7 1069 and 710-1069.5:

- 8 (a) Filling in the effective date or date of execution of
9 the document, as instructed by the parties to the
10 document;
- 11 (b) Filling in document numbers and land court certificate
12 of title numbers within the body of a document or
13 exhibit attached to the document, as instructed by the
14 parties to the document, or adding such other
15 information to the document as may be requested or
16 required by the bureau of conveyances or the office of
17 the assistant registrar of the land court in order to



1 allow the document to be recorded in the bureau of
2 conveyances or the office of the assistant registrar;
3 and

4 (c) Correcting typographical errors or abbreviations in
5 the name of a party to an instrument, correcting a
6 party's marital status, or correcting a legal entity's
7 state of incorporation or formation, in order to
8 comply with the recording requirements of the bureau
9 of conveyances or the office of the assistant
10 registrar.

11 §710- Changes ratified by the parties to a document
12 after notarization. For the purposes of sections 710-1069 and
13 710-1069.5, it shall not be considered a misrepresentation of a
14 notarized document if a person submits or invites reliance on a
15 document that has been altered after the document has been
16 notarized by a notary public in this or any other jurisdiction;
17 provided that the alteration of the document was subsequently
18 approved by all of the parties who have signed the document."

19 SECTION 2. Section 456-21, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) A person commits the offense of failure to
22 authenticate with a certification statement if the person is a



1 commissioned notary public and knowingly notarizes a document
2 and fails to include any of the following in the notary
3 certification:

4 (1) Date of notarization and signature of the notary
5 public;

6 (2) The printed name and stamp or seal of the notary
7 public;

8 (3) Identification of the jurisdiction in which the
9 notarial act is performed;

10 (4) Identification or description of the document being
11 notarized, placed in close proximity to the
12 acknowledgment or jurat; and

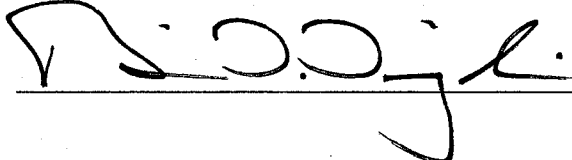
13 (5) A statement of the number of pages and date of the
14 document [-]; provided that if the number of pages
15 cannot be readily ascertained, the commissioned notary
16 shall state that the number of pages is unknown."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20

INTRODUCED BY:





Report Title:
Notary Public

Description:
Clarifies the law with respect to the duties of a notary public.

