
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 constitute
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 other information
15 to the document as may be requested or required by the
16 bureau of conveyances or the office of the assistant
17 registrar of the land court in order to allow the

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

10 **§710- Changes ratified by the parties to a document**

11 **after notarization.** For the purposes of sections 710-1069 and
12 710-1069.5, it shall not be considered a misrepresentation of a
13 notarized document if a person submits or invites reliance on a
14 document that has been altered after the document has been
15 notarized by a notary public in this or any other jurisdiction;
16 provided that all parties who have signed the documents ratify
17 and approve the changes to the document prior to submission of
18 the document to a third party or public servant or prior to
19 inviting a third party or public servant to rely on the
20 document."

21 SECTION 2. Section 456-3, Hawaii Revised Statutes, is
22 amended to read as follows:

1 "**§456-3 Seal.** Every notary public shall constantly keep
2 an engraved seal of office or a rubber stamp facsimile seal
3 which shall clearly show, when embossed, stamped, or impressed
4 upon a document, only the [~~notary's~~] notary public's name, the
5 notary public's commission number, and the words[~~7~~] "notary
6 public" and "State of Hawaii". The notary public shall
7 authenticate all the [~~notary's~~] notary public's official acts,
8 attestations, certificates, and instruments therewith, and shall
9 always add to an official signature the typed or printed name of
10 the notary public and a statement showing the date that the
11 [~~notary's~~] notary public's commission expires. Upon
12 resignation, death, expiration of term of office without
13 reappointment, or removal from or abandonment of office, the
14 notary public shall immediately deliver or have immediately
15 delivered the [~~notary's~~] notary public's seal to the attorney
16 general who shall deface or destroy the same. If any notary
17 public fails to comply with this section within ninety days of
18 the date of the [~~notary's~~] notary public's resignation,
19 expiration of term of office without reappointment, or removal
20 from or abandonment of office or if the [~~notary's~~] notary
21 public's personal representative fails to comply with this
22 section within ninety days of the [~~notary's~~] notary public's

1 death, then the notary public or the [~~notary's~~] notary public's
2 personal representative shall forfeit to the State not more than
3 \$200, in the discretion of the court, to be recovered in an
4 action to be brought by the attorney general on behalf of the
5 State."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

Report Title:

Notary Public

Description:

Requires a notary public to include on the notary public's stamp or seal the notary public's commission number. Clarifies which types of changes may be made to a document after notarization; clarifies how a notarized document may be altered by ratification of all parties to the document. (SD1)