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# A BILL FOR AN ACT

RELATING TO NOTARIES PUBLIC.

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

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



1 reappointment, or removal from or abandonment of office or if  
 2 the notary's personal representative fails to comply with this  
 3 section within ninety days of the notary's death, then the  
 4 notary public or the notary's personal representative shall  
 5 forfeit to the State not more than \$200, in the discretion of  
 6 the court, to be recovered in an action brought by the attorney  
 7 general on behalf of the State."

8 SECTION 2. Section 456-9, Hawaii Revised Statutes, is  
 9 amended follows:

10 1. By amending subsection (a) to read:

11 "(a) The attorney general shall charge and collect the  
 12 following fees for:

- 13 (1) Issuing the original commission, [~~\$40.~~] \$60; and
- 14 (2) Renewing the commission, [~~\$40.~~] \$60.

15 Notwithstanding the foregoing, the attorney general may  
 16 establish and adjust fees pursuant to chapter 91."

17 2. By amending subsection (c) to read:

18 "(c) The attorney general may impose and collect the  
 19 following administrative fines for a notary public's failure to:

- 20 (1) Maintain an official seal of one type, either a single  
 21 engraved seal or a single rubber stamp facsimile seal,  
 22 on which shall be inscribed only the name of the



- 1 notary public, the commission number of the notary  
2 public, and the words "notary public" and "State of  
3 Hawaii" [~~only~~], \$20;
- 4 (2) Surrender the notary public's seal and certificate to  
5 the attorney general within ninety days of  
6 resignation, removal from office, or the expiration of  
7 a term without renewal, \$200;
- 8 (3) Authenticate every acknowledgment or jurat with a  
9 certificate that shall be signed and dated by the  
10 notary, include the printed name and official stamp or  
11 seal of the notary, identify the jurisdiction in which  
12 the notarial act is performed, describe in close  
13 proximity to the acknowledgment or jurat the document  
14 being notarized, and state the number of pages and  
15 date of the document, \$500;
- 16 (4) Record all of the notary public's transactions as  
17 prescribed by section 456-15 and applicable rules,  
18 \$200;
- 19 (5) Surrender the notary public's record books to the  
20 attorney general within ninety days of the end of the  
21 commission, resignation, or removal from office, \$500;  
22 and



1           (6) Notify the attorney general within ten days after  
2           loss, misplacement, or theft of the notary public's  
3           seal, stamp, or any record book, inform the  
4           appropriate law enforcement agency in the case of  
5           theft, and deliver a copy of the law enforcement  
6           agency's report of the theft to the attorney general,  
7           \$20."

8           SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

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



**Report Title:**

Notaries Public

**Description:**

Clarifies the information required to be on notary seals and increases the fees for issuing an initial notary commission and renewing a notary commission. (HB2452 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

