



GOV. MSG. NO. 1129

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 22, 2013

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 22, 2013, the following bill was signed into law:

SB891

RELATING TO NOTARIES PUBLIC  
ACT 029 (13)

NEIL ABERCROMBIE  
Governor, State of Hawaii

JAN 1 8 2013

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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 to be brought by the  
7 attorney general on behalf of the State."

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

10 "**§456-9 Fees and administrative fines.** (a) The attorney  
11 general shall charge and collect the following fees for:

- 12 (1) Issuing the original commission, \$40; and
- 13 (2) Renewing the commission, \$40.

14 [~~Notwithstanding the foregoing, the attorney general may~~  
15 ~~establish and adjust fees]~~ These fees may be adjusted, and any  
16 other fees may be established and adjusted, by adopting rules  
17 pursuant to chapter 91.

18 (b) The court fees for filing a copy of a commission and  
19 for each certificate of authentication shall be specified by the  
20 supreme court.

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



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



1 (5) Surrender the notary public's record books to the  
2 attorney general within ninety days of the end date of  
3 the commission, resignation, or removal from office,  
4 \$500; and

5 (6) Notify the attorney general within ten days after  
6 loss, misplacement, or theft of the notary public's  
7 seal, stamp, or any record book, inform the  
8 appropriate law enforcement agency in the case of  
9 theft, and deliver a copy of the law enforcement  
10 agency's report of the theft to the attorney general,  
11 \$20.

12 (d) The foregoing moneys collected by the attorney general  
13 pursuant to this section shall be deposited into the notaries  
14 public revolving fund established by section 456-9.5, except  
15 that if that fund is terminated, the foregoing moneys shall  
16 thereafter be deposited with the director of finance to the  
17 credit of the general fund."

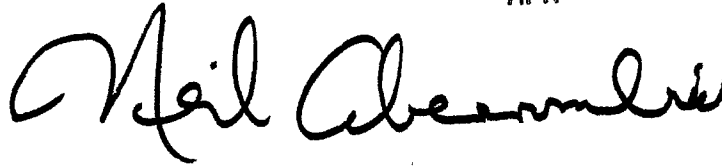
18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



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

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APPROVED this 22 day of APR, 2013

A handwritten signature in black ink, appearing to read "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII