

Honolulu, Hawaii

, 2020

FEB 13

RE: H.B. No. 2294
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2294 entitled:

"A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC,"

begs leave to report as follows:

The purpose of this measure is to modernize the laws regarding notaries public to bring them into conformity with national standards and current practices. Specifically, this measure:

- (1) Outlines the instances in which notaries public may refuse to perform notarial acts;
- (2) Authorizes notaries public to perform notarial acts for persons not in the physical presence of the notaries public and outlines the manner in which notaries public may do such notarial acts, including authorized technologies and electronic stamping;
- (3) Clarifies the validity of notarial acts and the circumstances when notarial acts may not be performed;
- (4) Clarifies the retention of records; and



- (5) Makes various clarifying amendments to conform to national standards and practices.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Commission to Promote Uniform Legislation, First American Title, and Mortgage Bankers Association of Hawaii. Your Committee received testimony in opposition to this measure from the Hawaii Bankers Association and Honest Hawaii Notaries.

Your Committee finds that notaries public serve an important role in preventing fraud in various types of transactions. Your Committee further finds that the state notaries public laws have not be updated for several years.

Your Committee has amended this measure by:

- (1) Defining "remote online notary public" for purposes of clarity when notarial acts are performed for remotely located individuals;
- (2) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Should this measure be subject to negotiation during the Conference Committee period, your Committee respectfully requests that the Chair of your Committee on Consumer Protection and Commerce be on the Committee on Conference.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2294, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2294, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



