

A Bill for an Act Relating to Notaries Public.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 456-3, Hawaii Revised Statutes, is amended to read as follows:

“§456-3 Seal. Every notary public shall constantly keep a seal of office, whereon shall be engraved his name, and the words, “notary public” and “State of Hawaii.” He shall authenticate all of his official acts, attestations, certificates, and instruments therewith, and shall always add to his official signature a statement showing the date of expiration of his commission as notary public. Upon resignation, death, expiration of term of office without reappointment, or removal from or abandonment of office he shall immediately deliver his seal to the attorney general who shall deface or destroy the same. [By a neglect of sixty days to comply with the above requisition,] If any notary fails to comply with this section within ninety days of the date of the resignation, expiration of term of office without reappointment, or removal from or abandonment of office or if the notary’s personal representative fails to comply with this section within ninety days of the notary’s death, then the notary public or his personal representative shall forfeit to the State not more than \$200, in the discretion of the court, to be recovered in an action to be brought by the attorney general on behalf of the State.”

SECTION 2. Section 456-16, Hawaii Revised Statutes, is amended to read as follows:

“§456-16 Disposition of records, penalty. The records of each notary public [shall each year on July 1 and upon the resignation, death, expiration of term of office, or removal from or abandonment of office,] shall be deposited with the clerk of the circuit court of the judicial circuit in which the notary public resides[.] upon the resignation, death, expiration of each term of office, or removal from or abandonment of office. [By a neglect of sixty days to comply with the above requisition,] If any notary fails to comply with this section within ninety days of the date of the resignation, expiration of any term of office, or removal from or abandonment of office or if the notary’s personal representative

fails to comply with this section within ninety days of the notary's death, then the notary or his personal representative shall forfeit to the State not less than \$50 nor more than \$500, in the discretion of the court, in an action brought [therefor] by the attorney general on behalf of the State.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 19, 1984.)