

HOUSE BILL NO. 1126
with Senate AmendmentsFifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1126

Introduced by

Government and Veterans Affairs Committee

(At the request of the Secretary of State)

1 A BILL for an Act to amend and reenact sections 44-06-11 and 44-06-13.1 of the North Dakota
2 Century Code, relating to filing of notice of revocation of a notary commission and prohibited
3 acts of a notary public.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 44-06-11 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **44-06-11. Revocation of notary commission - Notice.** In case the commission of a
8 person appointed as a notary is subject to a revocation action, the secretary of state shall give
9 notice thereof by mail to that person immediately ~~and to the clerk of the district court of the~~
10 ~~proper county,~~ using the procedures of chapter 28-32. The notice may provide that the person
11 may not perform any notarial acts during the pendency of the revocation proceeding. A notary
12 whose commission is revoked may be denied a new commission for a period of up to six years
13 following the date of revocation.

14 **SECTION 2. AMENDMENT.** Section 44-06-13.1 of the 1997 Supplement to the North
15 Dakota Century Code is amended and reenacted as follows:

16 **44-06-13.1. Prohibited acts - Penalty.** A notary public may not notarize a signature
17 on a document if:

- 18 1. The document was not first signed or re-signed in the presence of the notary
19 public, in the case of a jurat, or in the case of a certificate of acknowledgment, was
20 not acknowledged in the presence of the notary public.
- 21 2. The name of the notary public or the spouse of the notary public appears on the
22 document as a party to the transaction.
- 23 3. The signature is that of the notary public or the spouse of the notary public.

- 1 4. The notary public uses a name or initial in notarizing the document other than as it
- 2 appears on the notary's commission. However, such an act by a notary by itself
- 3 does not affect the validity of the document.
- 4 5. The date of the jurat or certificate of acknowledgment is not the actual date the
- 5 document is to be notarized.
- 6 A notary public who violates this section is guilty of an infraction and the notary public's
- 7 commission must be revoked by the secretary of state using the procedure under chapter
- 8 28-32.