

January 9, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1110

Page 1, line 1, after "44-06.1-13.1" insert "and a new section to chapter 44-06.1"

Page 1, line 3, after "sections" insert "11-18-15,"

Page 1, line 3, remove "and"

Page 1, line 3, after "44-06.1-18" insert ", and 47-19-26"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 11-18-15 of the North Dakota Century Code is amended and reenacted as follows:

11-18-15. Notary seal on documents filed with recorder - Stamp or imprint allowed.

The notary seal on any document filed with a recorder may be in:

1. In either a stamped or an imprinted form; or
2. An official stamp, as defined in section 44-06.1-01."

Page 3, line 9, after the underscored period insert "The prohibition under subdivision b of subsection 7 of section 44-06.1-23 does not apply to a tangible copy certified under this subsection."

Page 4, line 10, replace the second "of" with "or"

Page 6, line 29, replace "may" with "shall"

Page 7, after line 2, insert:

"SECTION 6. A new section to chapter 44-06.1 of the North Dakota Century Code is created and enacted as follows:

Journals.

1. A notary public shall maintain a journal in which the notary public chronicles all notarial acts the notary public performs with respect to a remotely located individual under section 44-06.1-13.1. The notary public shall retain the journal for ten years after the performance of the last notarial act chronicled in the journal.
2. A journal may be created on a tangible medium or in an electronic format. A notary public shall maintain only one journal at a time to chronicle all notarial acts performed regarding tangible records and one or more journals to chronicle all notarial acts performed regarding electronic records. If a journal is maintained on a tangible medium, it must be a permanent, bound register with numbered pages. If the journal is maintained in an electronic format, it must be in a permanent, tamper-evident electronic format complying with the rules of the secretary of state.

3. An entry in a journal must be made contemporaneously with performance of the notarial act and contain the following information:
 - a. The date and time of the notarial act;
 - b. A description of the record, if any, and type of notarial act;
 - c. The full name and address of each individual for whom the notarial act is performed;
 - d. If identity of the individual is based on personal knowledge, a statement to that effect;
 - e. If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of the identification credential; and
 - f. The fee, if any, charged by the notary public.
4. If the journal of a notary public is lost, the notary public loses access to the journal, or the journal is stolen, the notary public promptly shall notify the secretary of state upon discovering the journal is lost, access is lost, or the journal is stolen.
5. On resignation from, or the revocation or suspension of, the commission of a notary public, the notary public shall retain the journal in accordance with subsection 1 of this section and inform the secretary of state where the journal is located.
6. Instead of retaining a journal as provided in subsections 1 and 5, a current or former notary public may transmit the journal to a repository approved by the secretary of state.
7. Upon the death or adjudication of incompetency of a current or former notary public, the personal representative or guardian of the notary public shall retain the journal as provided in subsections 1 and 5 or transmit the journal to a repository approved by the secretary of state.

SECTION 7. AMENDMENT. Section 47-19-26 of the North Dakota Century Code is amended and reenacted as follows:

47-19-26. Certificate of acknowledgment - Forms.

An officer taking an acknowledgment of an instrument within this state must endorse ~~thereon~~, or attach ~~thereto~~, the instrument a certificate substantially in the forms prescribed in sections 47-19-27, 47-19-28, 47-19-29, and 47-19-30 or in subsections 1 and 2 of section 44-06.1-19."

Renumber accordingly