

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1252

Introduced by

Representatives Haas, F. Klein

Senator Espgaard

1 A BILL for an Act to create and enact a new subsection to section 44-06-13.1 of the North
2 Dakota Century Code, relating to signatures on notarial certificates; and to amend and reenact
3 section 47-19-03 of the North Dakota Century Code, relating to documents entitled to
4 recording.

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

6 **SECTION 1.** A new subsection to section 44-06-13.1 of the 1999 Supplement to the
7 North Dakota Century Code is created and enacted as follows:

8 The signature on the document or the notarial certificate is not an original
9 signature, except as otherwise provided by law.

10 **SECTION 2. AMENDMENT.** Section 47-19-03 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **47-19-03. Prerequisites to recording instruments.** Before an instrument can be
13 recorded, unless it belongs to a class provided for in section 47-19-02 or 47-19-40, its
14 execution must be established:

- 15 1. If executed by an individual, by acknowledgment by the person executing the
16 same;
- 17 2. If executed by a corporation or limited liability company, by execution and
18 acknowledgment by the person or persons authorized to execute instruments
19 under section 47-10-05.1;
- 20 3. By proof by a subscribing witness as is provided by section 47-19-22; and
- 21 4. By proof of the handwriting of the person executing an instrument and of a
22 subscribing witness thereto as is prescribed by sections 47-19-23 and 47-19-24
23 and filing of the original instrument in the proper office there to remain for public
24 inspection.

- 1 Except as otherwise provided by the law of this state or the law of the state in which the
- 2 instrument or document was executed, before an instrument may be recorded, the document
- 3 and any acknowledgment must be executed with an original signature.