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IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 34

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to notaries public; and providing an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. APPOINTMENT AND COMMISSION BY SECRETARY OF STATE. The Secretary of State may appoint and commission notaries public for the State.

Sec. 2. QUALIFICATIONS. Every person appointed as notary public shall be, at the time of his appointment, a citizen of the United States and of this State and at least 19 years of age.

Sec. 3. TERM OF OFFICE. The term of office of a notary public is four years from and after the date of his commission.

Sec. 4. FEES. A fee of \$10 shall be paid to the Secretary of State for each commission issued other than to a State employee. Nothing in this Act shall be construed as requiring a postmaster to post a bond or be issued a commission.

Sec. 5. DUTIES. It is the duty of a notary public:

(1) When requested, to demand acceptance and payment of foreign and inland bills of exchange, or promissory notes, to protest them for nonacceptance and nonpayment, and to exercise such other powers and duties as by the law of nations and according to commercial usages, or by the laws of any other state, government, or country, may be performed by notaries.

(2) To take the acknowledgment or proof of powers of attorney, mortgages, deeds, grants, transfers, and other instru-

1 ments of writing executed by any person, and to give a certificate
2 of such proof or acknowledgment, endorsed on or attached to the
3 instrument. Such certificate shall be signed by him in his own
4 handwriting.

5 (3) To take depositions and affidavits, and administer
6 oaths and affirmations, in all matters incident to the duties of
7 the office, or to be used before any court, judge, officer, or
8 board in this State. Any deposition, affidavit, oath, or affirma-
9 tion shall be signed by him in his own handwriting. He shall
10 endorse after his signature the date of expiration of his com-
11 mission.

12 Sec. 6. RECORDS; CERTIFIED COPIES. A notary public shall
13 keep a record of all official acts done by him and a record of the
14 parties to, date, and character of every instrument acknowledged
15 or proved before him. When requested, and upon payment of the fee
16 therefor, a notary public shall make and give a certified copy of
17 any record in his office.

18 Sec. 7. SEAL. A notary public shall provide and keep an
19 official seal, upon which shall be engraved the words, "State of
20 Alaska" and "Notary Public," together with the name of the notary.
21 He shall authenticate with his official seal all official acts.

22 Sec. 8. NOTICE OF BILL OR NOTE FOR NONACCEPTANCE OR NON-
23 PAYMENT. The protest of a notary public, under his hand and
24 official seal, of a bill of exchange or promissory note for non-
25 acceptance or nonpayment, specifying:

26 (a) The time and place of presentment.

27 (b) The fact that presentment was made and the manner
28 thereof.

29 (c) The cause or reason for protesting the bill.

1 (d) The demand made and the answer given, if any, or
2 the fact that the drawee or acceptor could not be found, is prima
3 face evidence of the facts recited therein.

4 Sec. 9. DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL OF
5 A NOTARY. If any notary public dies, resigns, is disqualified,
6 removed from office, or removes from the State, his records and
7 all his public papers shall be delivered to the Secretary of State
8 The procedures found in the Administrative Procedure Act shall be
9 followed in the revocation of the commission of a notary public.

10 Sec. 10. BOND, AMOUNT, APPROVAL. Every person appointed a
11 notary public after the effective date of this Act shall execute
12 an official bond in the sum of Five Thousand Dollars (\$5,000),
13 executed by an admitted surety insurer. The person to be appointed
14 a notary public shall forward with his official bond to the
15 Secretary of State his notarized oath of office, signed by the
16 person to be appointed with his own proper signature. Upon
17 receipt of the bond, the Secretary of State shall keep the bond
18 for one year following the expiration of the term of the commis-
19 sion for which the bond is issued after which said bond may be
20 disposed of. Such disposition does not affect the time for
21 commencement of actions on the bond. A certified copy of the
22 record of the official bond with all affidavits, acknowledgments,
23 endorsements, and attachments, may be read in evidence with like
24 effect as the original thereof, without further proof.

25 Sec. 11. MISCONDUCT OR NEGLIGENCE. For the misconduct or
26 neglect of a notary public, he and the sureties on his official
27 bond are liable to the persons injured thereby for all the
28 damages sustained.

29 Sec. 12. STATE EMPLOYEES AS NOTARIES.

1 (1) The Secretary of State may appoint and commission
2 state employees as notaries public of the State to act for and in
3 behalf of a department of the State government as he considers
4 proper. Whenever such a notary is appointed and commissioned, the
5 head of the department shall execute a certificate that the appoint-
6 ment is made for the purposes of the department, and whenever
7 such a certificate is filed with the Secretary of State, no fees
8 may be charged for the filing or issuance of any document in con-
9 nection with such appointment.

10 (2) Any department for which a notary public is
11 appointed and commissioned pursuant to this section may pay from
12 any funds available for its support the premiums on any bond and
13 the cost of any stamps, seals, or other supplies required in con-
14 nection with the appointment, commission, or performance of the
15 duties of such notary public.

16 (3) Any fees collected or obtained by any notary public
17 whose documents have been filed without charge and for whom bond
18 premiums have been paid by a State agency shall be remitted by
19 him to the State department by which he is employed and paid into
20 the General Fund of the State. Notwithstanding Sec. 3 of this
21 Act, the termination of employment shall revoke the commission
22 of any notary whose documents have been filed without charge and
23 for whom bond premiums have been paid by a State agency.

24 Sec. 13. POASTMASTERS AS NOTARIES.

25 (1) Each postmaster within the State is authorized to
26 perform all the functions of a notary public within the State.

27 (2) Each official act of a postmaster as notary public
28 shall be signed by the postmaster, with a designation of his title
29 as postmaster, shall have affixed the cancellation stamp of the

1 post office, and shall state the name of the post office and the
2 date on which such act was done.

3 (3) Postmasters shall keep the same records pursuant
4 to Sec. 6 of this Act that a notary would keep. These records
5 are subject to public inspection and shall be transmitted to the
6 postmaster's successor in office.

7 (4) The postmaster is authorized to charge and receive
8 the fees a notary would receive for similar services.

9 Sec. 14. SAVINGS CLAUSE. This Act shall not be construed
10 as to effect the release or extinguishment of any liability or
11 forfeiture incurred or right accruing under any previous law
12 regulating notaries. All commissions presently in effect continue
13 until they expire or are terminated by death, disqualification,
14 resignation, removal from the State, or until the notary is
15 removed from office by the Secretary of State pursuant to the
16 Administrative Procedure Act.

17 Sec. 15. REPEALER. The following laws and parts of laws
18 are repealed: Secs. 17-1-1, ACLA 1949, as amended by Sec. 1, Ch.
19 3, SLA 1959; 17-1-2, ACLA 1949, as amended by Sec. 2, Ch. 3,
20 SLA 1959; 17-1-3, ACLA 1949, as amended by Sec. 3, Ch. 3, SLA
21 1959; 17-1-4, ACLA 1949, as amended by Sec. 4, Ch. 3, SLA 1959;
22 17-1-5, 17-1-6, 17-1-7, 17-1-8, 17-1-9, 17-1-10, 17-1-11, 17-1-12,
23 23-1-1, 23-1-2, 23-1-3, ACLA 1949.

24 Sec. 16. EFFECTIVE DATE. The effective date of this Act
25 is July 1, 1961.

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