

HOUSE BILL NO. 394

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE GRUENBERG

Introduced: 1/14/92

Referred: Labor & Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to notaries; and providing for an effective date."

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

3 * Section 1. AS 09.63.030(c) is amended to read:

4 (c) If the document is sworn to or affirmed before a notary public of the state, the notary
5 public shall

6 (1) endorse after the signature of the notary public the date of expiration of the
7 notary's commission;

8 (2) place [PRINT OR EMBOSS] the notary's seal on the document;

9 (3) comply with AS 44.50 [AS 44.50.060 - 44.50.080] or other applicable law.

10 * Sec. 2. AS 09.63.040(d) is amended to read:

11 (d) If the verification is sworn to or affirmed before a notary public of the state, the
12 notary public shall

13 (1) endorse after the signature of the notary public the date of expiration of the
14 notary's commission;

- 1 (2) place [PRINT OR EMBOSS] the notary's seal on the document;
2 (3) comply with AS 44.50 [AS 44.50.060 - 44.50.080] or other applicable law.

3 * Sec. 3. AS 09.63.100(b) is amended to read:

4 (b) If a document is acknowledged before a notary public of the state, the notary public
5 shall

6 (1) endorse after the notary's signature the date of expiration of the notary's
7 commission;

8 (2) place [PRINT OR EMBOSS] the notary's seal on the document;

9 (3) comply with AS 44.50 [AS 44.50.060 - 44.50.080] or other law.

10 * Sec. 4. AS 44.50.060 is amended to read:

11 Sec. 44.50.060. DUTIES. A notary public shall

12 (1) when requested, demand acceptance and payment of foreign and inland bills
13 of exchange, or promissory notes, protest them for nonacceptance and nonpayment, and exercise
14 the other powers and duties that by the law of nations and according to commercial usages, or
15 by the laws of any other state, government, or country, may be performed by notaries;

16 (2) take the acknowledgment or proof of powers of attorney, mortgages, deeds,
17 grants, transfers, and other instruments of writing, and give a certificate of the proof or
18 acknowledgment, endorsed on or attached to the instrument; [THE CERTIFICATE SHALL BE
19 SIGNED BY THE NOTARY IN THE NOTARY'S OWN HANDWRITING.];

20 (3) take depositions and affidavits, and administer oaths and affirmations, in all
21 matters incident to the duties of the office, or to be used before a court, judge, officer, or board
22 in the state;

23 (4) keep a journal under AS 44.50.095 of the notarial acts performed by the
24 notary [A DEPOSITION, AFFIDAVIT, OATH, OR AFFIRMATION SHALL BE SIGNED BY
25 THE NOTARY IN THE NOTARY'S OWN HANDWRITING, AND THE NOTARY SHALL
26 ENDORSE AFTER THE SIGNATURE THE DATE OF EXPIRATION OF THE NOTARY'S
27 COMMISSION].

28 * Sec. 5. AS 44.50.060 is amended by adding a new subsection to read:

29 (b) When a notarial act requires the signature of the notary, the notary shall sign in the
30 notary's own handwriting and shall place the notary's seal after the notary's signature.

31 * Sec. 6. AS 44.50.080 is amended to read:

1 Sec. 44.50.080. SEAL. (a) A notary public shall provide and keep an official seal, upon
2 which must appear the words [,] "State of Alaska" and "Notary Public," together with the name
3 of the notary and the expiration date of the notary's term of office. The notary shall
4 authenticate all official acts with the seal.

5 (b) The seal of a [EVERY] notary public must [WHOSE COMMISSION IS ISSUED
6 ON OR AFTER JULY 1, 1972 MAY] be on [AFFIXED BY] a [SEAL PRESS OR] stamp that
7 prints the [WILL PRINT OR EMBOSS A] seal in black ink and that contains and [WHICH]
8 legibly reproduces under photographic methods the information required under (a) of this
9 section [WORDS "STATE OF ALASKA" AND "NOTARY PUBLIC" AND THE NAME OF
10 THE NOTARY]. The seal may be circular not over two inches in diameter, or may be a
11 rectangular form not more than an inch in width by two and one-half inches in length [, AND
12 MUST CONTAIN THE INFORMATION REQUIRED BY THIS SECTION].

13 * Sec. 7. AS 44.50 is amended by adding a new section to read:

14 Sec. 44.50.095. NOTARY JOURNAL. (a) A notary public shall maintain and preserve
15 a chronological, permanently bound journal of the notarial acts performed by the notary.

16 (b) When a notary performs a notarial act, the notary shall record in the journal at the
17 time of the notarial act at least

18 (1) the date and time of day of the notarial act;

19 (2) the type of notarial act;

20 (3) a description of the document or proceeding that is the subject of the notarial
21 act;

22 (4) the name and address of each person for whom a notarial act is performed;

23 (5) the fee, if any, charged for the notarial act; and

24 (6) the address where the notarial act was performed if the notarial act was not
25 performed at the notary's business address.

26 (c) If a notary refuses to perform or complete a notarial act, the notary shall record the
27 circumstances of the refusal in the journal.

28 (d) The journal is an official record that is available at reasonable times and in the
29 notary's presence for public inspection or reproduction. A notary may charge a fee for
30 reproducing pages of the journal. The lieutenant governor shall establish the reproduction fee
31 by regulation adopted under AS 44.62 (Administrative Procedure Act).

1 (e) A notary shall keep the journal in the exclusive custody of the notary. The journal
2 of a notary may not be used by another notary.

3 * Sec. 8. AS 44.50.100 is amended to read:

4 Sec. 44.50.100. RETURN OF PAPERS TO LIEUTENANT GOVERNOR. If a notary
5 public dies, resigns, is disqualified, removed from office, or permanently moves [OR
6 REMOVES] from the state, or if a notary public's commission is not reissued when it expires,
7 [ALL] the notary's seal, journal, and other public papers that are related to the notary
8 commission shall be delivered to the office of the lieutenant governor.

9 * Sec. 9. AS 44.50 is amended by adding a new section to read:

10 Sec. 44.50.185. REGULATIONS AND HANDBOOK. (a) The lieutenant governor may
11 adopt regulations under AS 44.62 (Administrative Procedure Act) to carry out the purposes of
12 this chapter. The regulations must include standards for the revocation of the commission of a
13 notary.

14 (b) The lieutenant governor shall produce a handbook for notaries and distribute the
15 handbook to each person who is appointed and commissioned a notary public under this chapter.
16 The handbook must contain a summary of the provisions of this chapter.

17 * Sec. 10. AS 44.50 is amended by adding a new section to read:

18 Sec. 44.50.200. DEFINITION. In this chapter, "notary" means notary public.

19 * Sec. 11. TRANSITIONAL PROVISION. Notwithstanding AS 44.50.080(b), amended by sec. 6
20 of this Act, a person who has a valid notary public commission on July 1, 1992, may use a seal press
21 or a stamp with an ink color other than black until the person's commission that is in effect on July 1,
22 1992, terminates.

23 * Sec. 12. This Act takes effect July 1, 1992.