

STAND. COM. REP. NO. 657

Honolulu, Hawaii
March 5, 2009

RE: H.B. No. 1032

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1032 entitled:

"A BILL FOR AN ACT RELATING TO NOTARY PUBLIC SEALS,"

begs leave to report as follows:

The purpose of this bill is to deter the fraudulent use of notary public seals, by statutorily requiring these seals to include the notary public's commission number. This bill also makes other clarifying amendments to the statute on notary public seals.

The Department of the Attorney General testified in support of this bill.

A notary public's commission number is a unique identifier that can be used to quickly determine whether the notary public was properly commissioned in Hawaii. While notary public seals are already required to include the notary public's commission number under section 5-11-5, Hawaii Administrative Rules, this bill makes a corresponding amendment to the pertinent statute to reduce confusion as to what information is required on these seals.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1032 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

HB1032 HSCR CPC HMS 2009-2474



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



H.B. NO. 1032

A BILL FOR AN ACT

RELATING TO NOTARY PUBLIC SEALS.

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

1 SECTION 1. Section 456-3, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§456-3 Seal.** Every notary public shall constantly keep
4 an engraved seal of office or a rubber stamp facsimile seal
5 which shall clearly show, when embossed, stamped, or impressed
6 upon a document, only the [~~notary's~~] notary public's name, the
7 notary public's commission number, and the words[~~7~~] "notary
8 public" and "State of Hawaii". The notary public shall
9 authenticate all the [~~notary's~~] notary public's official acts,
10 attestations, certificates, and instruments therewith, and shall
11 always add to an official signature the typed or printed name of
12 the notary public and a statement showing the date that the
13 [~~notary's~~] notary public's commission expires. Upon
14 resignation, death, expiration of term of office without
15 reappointment, or removal from or abandonment of office, the
16 notary public shall immediately deliver or have immediately
17 delivered the [~~notary's~~] notary public's seal to the attorney
18 general who shall deface or destroy the same. If any notary

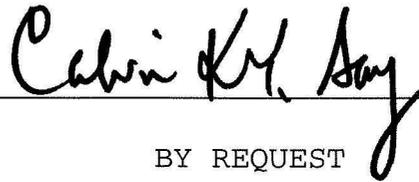
H.B. NO. 1032

1 public fails to comply with this section within ninety days of
 2 the date of the [~~notary's~~] notary public's resignation,
 3 expiration of term of office without reappointment, or removal
 4 from or abandonment of office or if the [~~notary's~~] notary
 5 public's personal representative fails to comply with this
 6 section within ninety days of the [~~notary's~~] notary public's
 7 death, then the notary public or the [~~notary's~~] notary public's
 8 personal representative shall forfeit to the State not more than
 9 \$200, in the discretion of the court, to be recovered in an
 10 action brought by the attorney general on behalf of the State."

11 SECTION 2. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

14
 15 INTRODUCED BY:



BY REQUEST

JAN 26 2009

Report Title:

Notary Public Seals

Description:

Requires a notary public to include on the notary public's stamp or seal the notary public's commission number.

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO NOTARY PUBLIC SEALS.

PURPOSE: To clarify the information required to be on notary public seals.

MEANS: Amend section 456-3, Hawaii Revised Statutes.

JUSTIFICATION: Section 456-3, Hawaii Revised Statutes, requires notaries public to have an engraved seal or rubber stamp seal with "the notary's name, and the words, 'notary public' and 'State of Hawaii'." Section 5-11-5(a), Hawaii Administrative Rules, requires every notary public to "obtain and keep an official seal of one type, either an engraved seal or a rubber stamp facsimile seal, on which shall be inscribed the name of the notary public, the commission number of the notary public, and the words 'notary public' and 'State of Hawaii'."

The additional requirement of the commission number of the notary public on the notary public's seal was adopted by administrative rule to help deter fraudulent use of notary seals or stamps in that the commission number could be used to quickly ascertain whether the notary was properly commissioned in this State. Several other states such as California, Oregon, and New York similarly require the commission number on the notary's stamp or seal.

The amendment of section 456-3, Hawaii Revised Statutes, will clarify that the commission number of the notary public is required on the notary public's seal.

Impact on the public: Because notaries public obtained new stamps or seals in

compliance with section 5-11-5(a), Hawaii Administrative Rules, this statutory amendment will have no negative impact on the public. In fact, it will help reduce confusion and assist notaries in clarifying exactly what information is required on notary stamps or seals.

Impact on the department and other agencies:
This statutory amendment will help reduce the amount of time spent by the Department's staff in responding to questions about notary's stamps and seals.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2009**

ON THE FOLLOWING MEASURE:

H.B. NO. 1032, RELATING TO NOTARY PUBLIC SEALS.

BEFORE THE:

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

DATE: Monday, March 23, 2009 **TIME:** 10:00 AM

LOCATION: State Capitol, Room 229

TESTIFIER(S): Mark J. Bennett, Attorney General,
or Shari Wong, Deputy Attorney General

Chair Baker and Members of the Committee:

The Department of the Attorney General supports this measure.

The purpose of this bill is to require the notary public's commission number on the notary public's stamp or seal. This requirement will help to deter the fraudulent use of notary stamps or seals in that the commission number can be used to quickly ascertain whether the notary public was properly commissioned in this State.

In addition, notarized documents are frequently copied numerous times so that subsequent generations of the originals are blurry or difficult to read. Given the sometimes small size of notary stamps or seals, the names of the notaries public are difficult to read or ascertain. Names are often similar. The additional identifying information of the commission number is unique and will assist in ascertaining the correct notary public.

In other instances, a notary public may marry or change the notary public's name. Because the commission number is unique, our office will be able to better track the notary public, regardless of change in name or marital status.

Lastly, commission numbers are assigned to notaries public according to the year in which they are commissioned. Thus, the

inclusion of this identifying number on a notary public's stamp or seal may help in locating that notary public's record books.

Several other states, such as California, Oregon, and New York, similarly require the commission number on the notary public's stamp or seal.

We respectfully urge passage of this bill.