

Honolulu, Hawaii

FEB 03, 2020

RE: H.B. No. 1803
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 1803 entitled:

"A BILL FOR AN ACT RELATING TO NOTARIAL ACTS,"

begs leave to report as follows:

The purpose of this measure is to codify relevant portions of
the Revised Uniform Law on Notarial Acts (2018). Specifically,
this measure:

- (1) Outlines the instances in which notaries public may
refuse to perform a notarial act;
- (2) Authorizes notaries public to perform notarial acts for
persons not in the physical presence of the notaries
public and outlines the manner in which notaries public
may do such notarial acts, including authorized
technologies and electronic stamping;
- (3) Clarifies the validity of notarial acts and the
circumstances when notarial acts may not be performed;
and
- (4) Clarifies the retention of records.



Your Committee received testimony in support of this measure from the Commission to Promote Uniform Legislation and First American Title. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that notaries public are important professionals who witness the signing of documents and verify their authenticity, administer oaths and affirmations, and perform many other tasks. The essential purpose of notaries public is to prevent fraud. With this understanding, your Committee received concerns from the Department of the Attorney General regarding certain provisions of this measure and their impact on the promotion or deterrence of fraud. As an alternative, the Department introduced H.B. No. 2294 (Regular Session of 2020), which addresses some of the Department's concerns.

However, your Committee believes that your Committee on Judiciary is the more appropriate committee to determine which approach would be more befitting for the people of Hawaii. Should your Committee on Judiciary consider this measure, your Committee requests that your Committee on Judiciary consider the concerns raised by the Department of the Attorney General.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1803, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1803, H.D. 1, and be referred to your Committee on Judiciary.



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

R. Takumi

ROY M. TAKUMI, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

Hscc 19-20

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <div style="text-align: center;">HB 1803</div>	Committee Referral: <div style="text-align: center;">CPC, JUD, FIN</div>	Date: <div style="text-align: center;">1/30/20</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. BELATTI, Della Au				✓
5. CABANILLA ARAKAWA, Rida	✓			
6. CACHOLA, Romy M.	✓			
7. HAR, Sharon E.	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.				✓
10. ONISHI, Richard H.K.	✓			
11. MATSUMOTO, Lauren				✓
TOTAL (11)	9	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
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