

ACT 122

H.B. NO. 2303-78

A Bill for an Act Relating to Notaries Public.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 456-1, Hawaii Revised Statutes is amended to read:

“Sec. 456-1 Appointment; tenure. The attorney general may, in his discretion, appoint and commission such number of notaries public for the State as he deems necessary for the public good and convenience.

The term of office of a notary public shall be four years from the date of his commission, unless sooner removed by the attorney general for cause after due hearing; provided, that after due hearing the commission of a notary public may be revoked by the attorney general in any case where any change occurs in the notary’s office, occupation, residence, or employment which in his judgment renders the holding of such commission by the notary no longer necessary for the public good and convenience. Each notary shall upon any change in his office, occupation, residence, or employment, forthwith report the same to the attorney general.”

SECTION 2. Section 456-2, Hawaii Revised Statutes, is amended to read:

“Sec. 456-2 Qualifications; oath. Every person appointed a notary public shall, at the time of his appointment, be a resident of the State, possess the other qualifications required of public officers and be at least eighteen years of age. Every person appointed to that office shall, before entering thereon, take and subscribe an oath for the faithful discharge of his duties, which oath shall be filed in the department of the attorney general.”

SECTION 3. Section 456-3, Hawaii Revised Statutes, is amended to read:

“Sec. 456-3 Seal. Every notary public shall constantly keep a seal of office, whereon shall be engraved his name, and the words, “notary public” and “State of Hawaii.” He shall authenticate all of his official acts, attestations, certificates, and instruments therewith, and shall always add to his official signature a statement showing the date of expiration of his commission as notary public. Upon resignation, death, expiration of term of office without reappointment, or removal from or abandonment of office he shall immediately deliver his seal to the attorney general who shall deface or destroy the same. By a neglect of sixty days to comply with the above requisition, the notary public or his personal representative shall forfeit to the State not more than \$200, in the discretion of

the court, to be recovered in an action to be brought by the attorney general on behalf of the State."

SECTION 4. Section 456-4, Hawaii Revised Statutes, is amended to read:

"Sec. 456-4 Filing copy of commission; authentication of acts. Each person appointed and commissioned a notary public under this chapter shall forthwith file a literal or photostatic copy of his commission, an impression of his seal, and a specimen of his official signature with the clerk of the circuit court of each judicial circuit. Thereafter any clerk, when thereunto requested, shall certify to the official character and acts of any such notary public whose commission, impression of seal, and specimen of official signature is so filed in his office."

SECTION 5. Section 456-5, Hawaii Revised Statutes, is amended to read:

"Sec. 456-5 Official bond. Each notary public forthwith and before entering upon the duties of his office shall execute, at his own expense, an official surety bond which shall be in the sum of \$1,000. Each bond shall be approved by a judge of the circuit court.

The obligee of each bond shall be the State and the condition contained therein shall be that the notary public will well, truly, and faithfully perform all the duties of his office which are then or may thereafter be required, prescribed, or defined by law or by any rule or regulation made under the express or implied authority of any statute, and all duties and acts undertaken, assumed, or performed by the notary public by virtue or color of his office. The surety on any such bond shall be a surety company authorized to do business in the State. After approval the bond shall be deposited and kept on file in the office of the clerk of the circuit court of the judicial circuit in which the notary public resides. The clerk shall keep a book to be called the "bond record", in which he shall record such data in respect to each of the bonds deposited and filed in his office as the attorney general may direct."

SECTION 6. Section 456-16, Hawaii Revised Statutes is amended to read:

"Sec. 456-16 Disposition of records, penalty. The records of each notary public shall each year on June 30 and upon the resignation, death, expiration of term of office, or removal from or abandonment of office, be deposited with the clerk of the circuit court of the judicial circuit for and in which the notary public resides. By a neglect of sixty days to comply with the above requisition, the notary or his personal representative shall forfeit to the State not less than \$50 nor more than \$500, in the discretion of the court, in an action brought therefor by the attorney general on behalf of the State."

SECTION 7. All notaries who are in office at the effective date of this Act shall continue in office until the expiration of their present commissions with the power to exercise notarial functionals throughout the State as provided by this Act; provided, however, that all such notaries shall first deposit with the clerk of the circuit court of the judicial circuit in which they reside the additional bond required by this Act.

SECTION 8. Statutory material to be repealed is bracketed. New material

is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 9. This Act shall take effect on January 1, 1979.

(Approved May 24, 1978.)

*Edited accordingly.