

ACT 141

S.B. NO. 1254

A Bill for an Act Relating to Notaries Public.

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

SECTION 1. Chapter 456, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§456- Notary signing for disabled person. A notary may sign the name of a person physically unable to sign or to make a mark on a document presented for notarization; provided that the notary is satisfied that the person has voluntarily given consent for the notary to sign on the person’s behalf, if the notary writes, in the presence of the person: “Signature affixed by notary pursuant to section 456- , Hawaii Revised Statutes.” beneath the signature, and if a doctor’s written certificate is provided to the notary certifying that the person is unable to physically sign or make a mark because of the disability, and that the person is capable of communicating the person’s intentions.”

SECTION 2. Section 456-15, Hawaii Revised Statutes, is amended to read as follows:

“§456-15 Record; copies as evidence. Every notary public shall record at length in a book of records all acts, protests, depositions, and other things, by the notary noted or done in the notary’s official capacity. For each official act, the notary shall enter in the book:

- (1) The type, date, and time of day of the notarial act;
- (2) The title or type and date of the document or proceeding;
- (3) The signature, printed name, and address of each person whose signature is notarized and of each witness;
- (4) Other parties to the instrument; and
- (5) The manner in which the signer was identified.

All copies or certificates granted by the notary shall be under the notary’s hand and notarial seal, and shall be received as evidence of such transactions.’”

SECTION 3. Section 456-17, Hawaii Revised Statutes, is amended to read as follows:

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“**§456-17 Fees.** Subject to section 456-18, every notary public is entitled to demand and receive the following fees:

For noting the protest of mercantile paper, \$5;

For each notice and certified copy of protest, \$5;

For noting any other protest, \$5;

For every notice thereof, and certified copy of protest, \$5;

For every deposition, or official certificate, \$5;

For the administration of oath, including the certificate of the oath, [\$4;] \$5; for affixing the certificate of the oath to every duplicate original instrument beyond four, \$2.50;

For taking any acknowledgment, [\$4] \$5 for each party signing; for affixing to every duplicate original beyond one of any instrument acknowledged before the notary, the notary's certificate of the acknowledgment, \$2.50 for each person making the acknowledgment.”

SECTION 4. Section 502-48, Hawaii Revised Statutes, is amended to read as follows:

“**§502-48 Identification of person making.** No acknowledgment of any conveyance or other instrument, except as provided by this chapter, whereby any real estate is conveyed or may be affected, shall be taken, unless the person offering to make the acknowledgment is personally known to the officer taking the [same] acknowledgment to be the person whose name is subscribed to the conveyance or instrument as a party thereto, or is proved to be such by the oath or affirmation of a credible witness known to the officer[.] or by production of a current identification card or document issued by the United States, this State, any other state, or a national government that contains the bearer's photograph and signature.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval.

(Approved June 9, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.