GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 344
Judiciary II/Election Laws Committee Substitute Adopted 4/4/95
House Committee Substitute Favorable 5/29/95

Short Title: Notary Law Amendments/AB.   (Public)

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Sponsors:

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Referred to:

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March 9, 1995

1   A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE REQUIREMENTS FOR CERTIFICATION TO
3   TEACH NOTARY COURSES, TO ALLOW REVOCATION OF NOTARIAL
4   COMMISSIONS FOR NOTARIES WHO FAIL TO ADMINISTER OATHS OR
5   AFFIRMATIONS, AND TO PROVIDE THAT APPLICANTS FOR
6   RECOMMISSIONING NEED NOT OBTAIN THE RECOMMENDATION OF A
7   PUBLICLY ELECTED OFFICIAL, AND TO ALLOW THE SECRETARY OF
8   STATE LAW ENFORCEMENT AGENTS TO ENFORCE THE NOTARY
9   CHAPTER.
10 The General Assembly of North Carolina enacts:
11   Section 1. G.S. 10A-4 is amended by adding two new subsections to read:
12   "(d)   The course of study required by subsection (b) of this section shall be taught by
13 an instructor certified in accordance with rules adopted by the Secretary of State. An
14 instructor must meet the following requirements to be certified to teach a course of study
15 for notaries public:
16   (1)   Complete and pass a six-hour instructor's course taught by the notaries
17   public director or other person approved by the Secretary of State.
18   (2)   Have six months of active experience as a notary public.

1   (3)   Maintain a current commission as a notary public.

2   (4)   Purchase the current notary public guidebook.

3 Registers of deeds, assistant and deputy registers of deeds, clerks of court, and assistant

4 and deputy clerks of court are exempt from the requirements set forth in subdivisions (2)

5 and (3) of this subsection while they remain actively employed in the capacities named.

6   (e)   Certification to teach a course of study shall be effective for two years and may

7 be renewed by passing a recertification course taught by the notaries public director or

8 other person approved by the Secretary of State."

9   Sec. 2. G.S. 10A-6 reads as rewritten:

10 **"§ 10A-6. Recommissioning.**

11   An applicant for recommissioning as a notary shall submit a new application and

12 comply anew with the provisions of G.S. 10A-4, except ~~for~~ that the applicant shall not be

13 required to complete the course of study described in subdivision ~~(b)(3).~~ (b)(3) nor to

14 obtain the recommendation of a publicly elected official."

15   Sec. 3. G.S. 10A-13(d) reads as rewritten:

16   "(d)   The Secretary of State may revoke a notarial commission on any ground for

17 which an application for a commission may be denied under G.S. 10A-4(c). The

18 Secretary of State may revoke the commission of a notary who fails to administer an oath

19 or affirmation when performing a notarial act that requires the administering of an oath or

20 affirmation."

21   Sec. 4. G.S. 10A-12 reads as rewritten:

22 **"§ 10A-12. ~~Penalties.~~ Enforcement and penalties.**

23   (a)   Any person who holds himself or herself out to the public as a notary or who

24 performs notarial acts and is not commissioned is guilty of a Class 1 misdemeanor.

25   (b)   Any notary who takes an acknowledgment or performs a verification or proof

26 without personal knowledge of the signer's identity or without satisfactory evidence of

27 the signer's identity is guilty of a Class 2 misdemeanor.

28   (c)   Any notary who takes an acknowledgment or performs a verification or proof

29 knowing it is false or fraudulent is guilty of a Class I felony.

30   (d)   Any person who knowingly solicits or coerces a notary to commit official

31 misconduct is guilty of a Class 1 misdemeanor.

32   (e)   For purposes of enforcing this Chapter, the law enforcement agents of the

33 Department of the Secretary of State have statewide jurisdiction and have all of the

34 powers and authority of law enforcement officers when executing arrest warrants. The

35 agents have the authority to assist local law enforcement agencies in their investigations

36 and to initiate and carry out, on their own or in coordination with local law enforcement

37 agencies, investigations of violations of this Chapter."

38   Sec. 5. This act becomes effective July 1, 1995, and applies to applications for

39 recommission on or after that date.