

HOUSE BILL NO. 711

INTRODUCED BY HARPER, HART, HARP

IN THE HOUSE

February 11, 1981	Introduced and referred to Committee on Judiciary.
February 20, 1981	Committee recommend bill do pass. Report adopted.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading, do pass.
February 24, 1981	Considered correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 97; Noes, 1. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Judiciary.
March 18, 1981	Committee recommend bill be concurred in. Report adopted.
March 20, 1981	Second reading, concurred in.
March 23, 1981	Third reading, concurred in. Ayes, 47; Noes, 2.

IN THE HOUSE

March 24, 1981	Returned from Senate. Concurred in. Sent to enrolling.  Reported correctly enrolled.
----------------	--

1                   HOUSE   BILL NO. 711  
 2 INTRODUCED BY Harvey McLeod HAFT  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 5 LAWS REGULATING NOTARIES PUBLIC; REMOVING THE POWER AND DUTY  
 6 OF NOTARIES PUBLIC TO DEMAND ACCEPTANCE AND PAYMENT OF BILLS  
 7 OF EXCHANGE; REVISING THE FEES THAT MAY BE CHARGED BY  
 8 NOTARIES PUBLIC; AMENDING SECTIONS 1-5-416 AND 1-5-418,  
 9 MCA."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12       Section 1. Section 1-5-416, MCA, is amended to read:  
 13       "1-5-416. Powers and duties. A notary public shall:

14       ~~{1}--whenever--requested--demand--acceptance--and--payment~~  
 15 ~~of--foreign--domestic--and--inland--bills--of--exchange--or~~  
 16 ~~promissory--notes--and--protest--the--same--for--nonacceptance--or~~  
 17 ~~nonpayment--and--exercise--such--other--powers--and--duties--as--by~~  
 18 ~~the--law--of--nations--and--according--to--commercial--usages--or--by~~  
 19 ~~the--laws--of--any--other--state--government--or--country--may--be~~  
 20 ~~performed--by--notaries--and--keep--a--record--of--such--acts;~~

21       {2}{1} take the acknowledgment or proof of any power  
 22 of attorney, mortgage, deed, grant, transfer, or other  
 23 instrument executed by any person and give a certificate of  
 24 such proof or acknowledgment, endorsed on or attached to the  
 25 instrument;

1           ~~{3}{2}~~ take depositions and affidavits and administer  
 2 oaths and affirmations in all matters incident to the duties  
 3 of his office or to be used before any court, judge,  
 4 officer, or board in this state;

5           ~~{4}{3}~~ whenever requested and upon payment of his fees  
 6 therefor, make and give a certified copy of any record in  
 7 his office;

8           ~~{5}{4}~~ provide and keep an official seal, upon which  
 9 must be engraved the name of the state of Montana and the  
 10 words "Notarial Seal", with the surname of the notary and at  
 11 least the initials of his given name;

12           ~~{6}{5}~~ authenticate with his official seal all  
 13 official acts. Whenever the notary public signs his name  
 14 officially as a notary public, he shall add to his signature  
 15 the words "Notary Public for the State of Montana, residing  
 16 at.... (stating the name of his post office)" and shall  
 17 endorse upon the instrument the date of the expiration of  
 18 his commission."

19       Section 2. Section 1-5-418, MCA, is amended to read:

20       "1-5-418. Fees of notaries. ~~{1}~~ Fees of notaries  
 21 public are as follows:

22       ~~{a}--for--drawing--copying--and--recording--each--and--every~~  
 23 ~~protest--for--the--nonpayment--of--a--promissory--note--or--for--the~~  
 24 ~~nonpayment--or--nonacceptance--of--a--bill--of--exchange--order~~  
 25 ~~draft--or--check--\$11~~

-2- INTRODUCED BILL  
 HB 711

LC 2219/01

1       ~~(b)--for-drawing-and-serving-every-notice-of-nonpayment~~  
2       ~~of-a-promissory-note-or-of-the-nonpayment--or--nonacceptance~~  
3       ~~of-a-bill-of-exchange,-order, draft, or check, 25-cents;~~  
4       ~~(c)(1)~~ for drawing an affidavit, deposition, or other  
5       paper for which provision is not herein made, ~~for--each~~  
6       ~~folio-unless-otherwise-prescribed, 20-cents \$1.50 per page;~~  
7       ~~(d)(2)~~ for taking an acknowledgment or proof of a deed  
8       or other instrument, to include the seal and the writing of  
9       the certificate, for the first signature, \$1;  
10       ~~(e)(3)~~ for each additional signature, 50 cents;  
11       ~~(f)(4)~~ for administering an oath or affirmation, 25  
12       cents \$1;  
13       ~~(g)(5)~~ for certifying an affidavit, with or without  
14       seal, including oath, 50-cents \$1.  
15       ~~(2)--The-maximum-fee-that-can-be--computed--or--charged~~  
16       ~~for--drawing--copying--and--recording--a--protest--and-for~~  
17       ~~drawing--and--serving---the---notices---of---nonpayment---or~~  
18       ~~nonacceptance-shall-be-\$2.50"~~

-End-

Approved by Committee on Judiciary

1                                   HOUSE      BILL NO.   711  
 2 INTRODUCED BY Harper, M. Hunt HARP  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 5 LAWS REGULATING NOTARIES PUBLIC; REMOVING THE POWER AND DUTY  
 6 OF NOTARIES PUBLIC TO DEMAND ACCEPTANCE AND PAYMENT OF BILLS  
 7 OF EXCHANGE; REVISING THE FEES THAT MAY BE CHARGED BY  
 8 NOTARIES PUBLIC; AMENDING SECTIONS 1-5-416 AND 1-5-418,  
 9 MCA."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 12       Section 1. Section 1-5-416, MCA, is amended to read:  
 13       "1-5-416. Powers and duties. A notary public shall:

14       ~~{1} whenever requested, demand acceptance and payment~~  
 15 ~~of foreign, domestic, and inland bills of exchange or~~  
 16 ~~promissory notes and protest the same for nonacceptance or~~  
 17 ~~nonpayment and exercise such other powers and duties as by~~  
 18 ~~the law of nations and according to commercial usages or by~~  
 19 ~~the laws of any other state, government, or country may be~~  
 20 ~~performed by notaries and keep a record of such acts;~~

21       {2}{11} take the acknowledgment or proof of any power  
 22 of attorney, mortgage, deed, grant, transfer, or other  
 23 instrument executed by any person and give a certificate of  
 24 such proof or acknowledgment, endorsed on or attached to the  
 25 instrument;

1               ~~{3}{12}~~ take depositions and affidavits and administer  
 2 oaths and affirmations in all matters incident to the duties  
 3 of his office or to be used before any court, judge,  
 4 officer, or board in this state;

5               ~~{4}{13}~~ whenever requested and upon payment of his fees  
 6 therefor, make and give a certified copy of any record in  
 7 his office;

8               ~~{5}{14}~~ provide and keep an official seal, upon which  
 9 must be engraved the name of the state of Montana and the  
 10 words "Notarial Seal", with the surname of the notary and at  
 11 least the initials of his given name;

12              ~~{6}{15}~~ authenticate with his official seal all  
 13 official acts. Whenever the notary public signs his name  
 14 officially as a notary public, he shall add to his signature  
 15 the words "Notary Public for the State of Montana, residing  
 16 at.... (stating the name of his post office)" and shall  
 17 endorse upon the instrument the date of the expiration of  
 18 his commission."

19       Section 2. Section 1-5-418, MCA, is amended to read:  
 20       "1-5-418. Fees of notaries. ~~{1}~~ Fees of notaries  
 21 public are as follows:

22              ~~{a} for drawing, copying, and recording each and every~~  
 23 ~~protest for the nonpayment of a promissory note or for the~~  
 24 ~~nonpayment or nonacceptance of a bill of exchange, order,~~  
 25 ~~draft, or check; \$1;~~

LC 2219/01

1       ~~{b}--for-drawing-and-serving-every-notice-of-nonpayment~~  
2       ~~of-a-promissory-note-or-of-the-nonpayment--or--nonacceptance~~  
3       ~~of-a-bill-of-exchange, order, draft, or check, 25 cents;~~  
4       ~~{c}{11}~~ for drawing an affidavit, deposition, or other  
5       paper for which provision is not herein made, ~~for--each~~  
6       ~~folio--unless-otherwise-prescribed, 20 cents \$3.50 per page;~~  
7       ~~{d}{12}~~ for taking an acknowledgment or proof of a deed  
8       or other instrument, to include the seal and the writing of  
9       the certificate, for the first signature, \$1;  
10       ~~{e}{13}~~ for each additional signature, 50 cents;  
11       ~~{f}{14}~~ for administering an oath or affirmation, 25  
12       cents \$1;  
13       ~~{g}{15}~~ for certifying an affidavit, with or without  
14       seal, including oath, 50-cents \$1.  
15       ~~{2}--The-maximum-fee-that-can-be-computed--or--charged~~  
16       ~~for--drawing--copying--and--recording--a--protest--and-for~~  
17       ~~drawing--and--serving--the--notices--of--nonpayment--or~~  
18       ~~nonacceptance-sha<sup>l</sup>l-be-\$2.50."~~

-End-

1                                    HOUSE    BILL NO.    711  
 2    INTRODUCED BY Haley, M. Hart    HARP  
 3

4    A BILL FOR AN ACT ENTITLED:    "AN ACT TO GENERALLY REVISE THE  
 5    LAWS REGULATING NOTARIES PUBLIC; REMOVING THE POWER AND DUTY  
 6    OF NOTARIES PUBLIC TO DEMAND ACCEPTANCE AND PAYMENT OF BILLS  
 7    OF EXCHANGE; REVISING THE FEES THAT MAY BE CHARGED BY  
 8    NOTARIES PUBLIC; AMENDING SECTIONS 1-5-416 AND 1-5-418,  
 9    MCA."

10  
 11    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12            Section 1. Section 1-5-416, MCA, is amended to read:

13            "1-5-416. Powers and duties. A notary public shall:

14            ~~{1}--whenever--requested--demand--acceptance--and--payment~~  
 15            ~~of--foreign--domestic--and--international--bills--of--exchange--or~~  
 16            ~~promissory--notes--and--protest--the--same--for--nonacceptance--or~~  
 17            ~~nonpayment--and--exercise--such--other--powers--and--duties--as--by~~  
 18            ~~the--law--of--nations--and--according--to--commercial--usages--or--by~~  
 19            ~~the--laws--of--any--other--state--government--or--country--may--be~~  
 20            ~~performed--by--notaries--and--keep--a--record--of--such--acts;~~

21            {2}{1} take the acknowledgment or proof of any power  
 22            of attorney, mortgage, deed, grant, transfer, or other  
 23            instrument executed by any person and give a certificate of  
 24            such proof or acknowledgment, endorsed on or attached to the  
 25            instrument;

1            {3}{2} take depositions and affidavits and administer  
 2            oaths and affirmations in all matters incident to the duties  
 3            of his office or to be used before any court, judge,  
 4            officer, or board in this state;

5            {4}{3} whenever requested and upon payment of his fees  
 6            therefor, make and give a certified copy of any record in  
 7            his office;

8            {5}{4} provide and keep an official seal, upon which  
 9            must be engraved the name of the state of Montana and the  
 10            words "Notarial Seal", with the surname of the notary and at  
 11            least the initials of his given name;

12            {6}{5} authenticate with his official seal all  
 13            official acts. Whenever the notary public signs his name  
 14            officially as a notary public, he shall add to his signature  
 15            the words "Notary Public for the State of Montana, residing  
 16            at... (stating the name of his post office)" and shall  
 17            endorse upon the instrument the date of the expiration of  
 18            his commission."

19            Section 2. Section 1-5-418, MCA, is amended to read:

20            "1-5-418. Fees of notaries. {1} Fees of notaries  
 21            public are as follows:

22            {a}--for--drawing--copying--and--recording--each--and--every  
 23            protest--for--the--nonpayment--of--a--promissory--note--or--for--the  
 24            nonpayment--or--nonacceptance--of--a--bill--of--exchange--order,  
 25            draft--or--check--\$11

1       ~~{b}~~--for-drawing-and-serving-every-notice-of-nonpayment  
2 of-a-promissory-note-or-of-the-nonpayment--or--nonacceptance  
3 of-a-bill-of-exchange,-order, draft, or-check, 25-cents;  
4       ~~{c}~~{11} for drawing an affidavit, deposition, or other  
5 paper for which provision is not herein made, ~~for--each~~  
6 ~~folio, unless otherwise prescribed 20-cents~~ \$1.50 per page;  
7       ~~{d}~~{12} for taking an acknowledgment or proof of a deed  
8 or other instrument, to include the seal and the writing of  
9 the certificate, for the first signature, \$1;  
10       ~~{e}~~{13} for each additional signature, 50 cents;  
11       ~~{f}~~{14} for administering an oath or affirmation, 25  
12 cents \$1;  
13       ~~{g}~~{15} for certifying an affidavit, with or without  
14 seal, including oath, 50-cents \$1.  
15       ~~{2}~~--The-maximum-fee-that-can-be--computed--or--charged  
16 for--drawing,--copying,--and--recording--a--protest--and-for  
17 drawing--and--serving--the---notices---of---nonpayment---or  
18 nonacceptance-shall-be-\$2.50."

-End-

HOUSE BILL NO. 711

INTRODUCED BY HARPER, HART, HARP

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS REGULATING NOTARIES PUBLIC; REMOVING THE POWER AND DUTY OF NOTARIES PUBLIC TO DEMAND ACCEPTANCE AND PAYMENT OF BILLS OF EXCHANGE; REVISING THE FEES THAT MAY BE CHARGED BY NOTARIES PUBLIC; AMENDING SECTIONS 1-5-416 AND 1-5-418, MCA."

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

Section 1. Section 1-5-416, MCA, is amended to read:

"1-5-416. Powers and duties. A notary public shall:

~~{1}--whenever--requested--demand--acceptance--and--payment--of--foreign--domestic--and--inland--bills--of--exchange--or--promissory--notes--and--protest--the--same--for--nonacceptance--or--nonpayment--and--exercise--such--other--powers--and--duties--as--by--the--law--of--nations--and--according--to--commercial--usages--or--by--the--laws--of--any--other--state--government--or--country--may--be--performed--by--notaries--and--keep--a--record--of--such--acts;~~

{2}{1} take the acknowledgment or proof of any power of attorney, mortgage, deed, grant, transfer, or other instrument executed by any person and give a certificate of such proof or acknowledgment, endorsed on or attached to the instrument;

{3}{2} take depositions and affidavits and administer oaths and affirmations in all matters incident to the duties of his office or to be used before any court, judge, officer, or board in this state;

{4}{3} whenever requested and upon payment of his fees therefor, make and give a certified copy of any record in his office;

{5}{4} provide and keep an official seal, upon which must be engraved the name of the state of Montana and the words "Notarial Seal", with the surname of the notary and at least the initials of his given name;

{6}{5} authenticate with his official seal all official acts. Whenever the notary public signs his name officially as a notary public, he shall add to his signature the words "Notary Public for the State of Montana, residing at.... (stating the name of his post office)" and shall endorse upon the instrument the date of the expiration of his commission."

Section 2. Section 1-5-418, MCA, is amended to read:

"1-5-418. Fees of notaries. {1} Fees of notaries public are as follows:

~~{2}--for--drawing--copying--and--recording--each--and--every--protest--for--the--nonpayment--of--a--promissory--note--or--for--the--nonpayment--or--nonacceptance--of--a--bill--of--exchange--orders--draft--or--check--\$1;~~



1       ~~(b) -- for drawing and serving every notice of nonpayment~~  
2 ~~of a promissory note or of the nonpayment or nonacceptance~~  
3 ~~of a bill of exchange, order, draft, or check, 25 cents;~~  
4       ~~(c)(1)~~ for drawing an affidavit, deposition, or other  
5 paper for which provision is not herein made, for each  
6 ~~folio, unless otherwise prescribed, 20 cents~~ \$3.50 per page;  
7       ~~(d)(2)~~ for taking an acknowledgment or proof of a deed  
8 or other instrument, to include the seal and the writing of  
9 the certificate, for the first signature, \$1;  
10       ~~(e)(3)~~ for each additional signature, 50 cents;  
11       ~~(f)(4)~~ for administering an oath or affirmation, 25  
12 cents \$1;  
13       ~~(g)(5)~~ for certifying an affidavit, with or without  
14 seal, including oath, 50 cents \$1.  
15       ~~(2) -- The maximum fee that can be computed or charged~~  
16 ~~for drawing, copying, and recording a protest and for~~  
17 ~~drawing and serving the notices of nonpayment or~~  
18 ~~nonacceptance shall be \$2.50."~~

-End-