

House BILL NO. 239

INTRODUCED BY

*Projila Lath Christensen*

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A NOTARY PUBLIC FROM PERFORMING A NOTARIAL ACT ON A DOCUMENT THAT THE NOTARY HAS SIGNED OR THAT NAMES THE NOTARY; AND AMENDING SECTION 1-5-416, 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. (1) A notary public shall:

(1) ~~(a)~~ (a) subject to subsection (2), 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~~ the proof or acknowledgment, endorsed on or attached to the instrument;

~~(2)~~ (b) take depositions and affidavits and administer oaths and affirmations in all matters incident to the duties of ~~his~~ the notary public's office or to be used before any court, judge, officer, or board in this state;

~~(3)~~ (c) whenever requested and upon payment of ~~his~~ the required fees ~~therefor~~, make and give a certified copy of any record in ~~his~~ the notary public's office;

~~(4)~~ (d) 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 public and at least the initials of ~~his~~ the notary public's given name;

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

(2) The notary public may not perform a notarial act if the notary public has signed or is named in the document that is to be notarized."

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THIRD READING

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