



February 23, 2024

ENGROSSED HOUSE BILL No. 1032

DIGEST OF HB 1032 (Updated February 21, 2024 4:39 pm - DI 149)

Citations Affected: IC 2-3; IC 33-42.

Synopsis: Legislative notaries. Makes stylistic and technical changes to the statute that confers notarial powers on members of the general assembly, the principal clerk of the house of representatives, and the principal secretary of the senate. Provides that the power of a legislative notary expires: (1) on the date the current term of office of the individual expires, if the individual is a member of the general assembly; or (2) on the date the term of the current general assembly expires, if the individual is the principal clerk of the house of representatives or the principal secretary of the senate. (Current law does not state when the power of a legislative notary expires.) Provides that a legislative notary must indicate on a document that the legislative notary signs the date the legislative notary's power expires. (Under current law, a legislative notary who is a member of the general assembly must indicate on the document when the individual was elected to the general assembly. The law does not currently impose such a requirement on the principal clerk of the house of representatives or the principal secretary of the senate.) Provides that a legislative notary may administer oaths, protest notes, and checks without attesting the act by a seal. Specifies that the word "seal" does not need to be contained within an electronic seal or official seal.

Effective: July 1, 2024.

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(SENATE SPONSORS — FREEMAN, KOCH, BROWN L)

January 8, 2024, read first time and referred to Committee on Judiciary.
January 29, 2024, reported — Do Pass.
January 31, 2024, read second time, amended, ordered engrossed.
February 1, 2024, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 12, 2024, read first time and referred to Committee on Judiciary.
February 22, 2024, amended, reported favorably — Do Pass.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1032

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-3-4-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 0.5. As used in this chapter, "legislative notary"**
4 **refers to any of the following:**
5 (1) **A member of the general assembly.**
6 (2) **The principal clerk of the house of representatives.**
7 (3) **The principal secretary of the senate.**
8 SECTION 2. IC 2-3-4-1 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) ~~Any member of the general~~
10 ~~assembly, the principal clerk of the house of representatives, or the~~
11 ~~secretary of the senate~~ **A legislative notary may do any of the**
12 **following:**
13 (1) Take acknowledgment to ~~deeds a deed~~ **or any other**
14 **instruments instrument** in writing.
15 (2) Administer oaths, protest notes, and checks.
16 (3) Take the deposition of a witness.
17 (4) Take and certify ~~affidavits and depositions~~ **an affidavit or a**

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1 **deposition. and**

2 (5) Perform any other duty conferred upon a notary public by ~~the~~
3 ~~statutes of Indiana~~ **statutes.**

4 (b) ~~Acknowledgments~~ **An acknowledgment to deeds a deed** or
5 ~~other instruments~~ **instrument** taken by any such person shall entitle
6 ~~such deeds a legislative notary entitles the deed~~ or other ~~instruments~~
7 ~~instrument~~ to be recorded the same as though acknowledged before a
8 notary public.

9 SECTION 3. IC 2-3-4-2 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) ~~No member of the general~~
11 ~~assembly shall be~~ **Except as provided in subsection (c), a legislative**
12 **notary is not** authorized to perform any of the ~~duties mentioned~~ **acts**
13 **described** in section 1 of this chapter until ~~he shall have procured such~~
14 ~~the individual procures a seal as that~~ will stamp upon paper a distinct
15 impression, in words or letters, sufficiently indicating ~~his~~ **the**
16 **individual's** official character **as a legislative notary. The individual**
17 **to which may be added such add to the seal any** other device as he
18 may choose. ~~All acts the individual chooses.~~

19 (b) **Except as provided in subsection (c), an act** not attested by
20 such a seal shall be **described in subsection (a)** is void.

21 (c) **If a legislative notary is performing an act described in**
22 **section 1(a)(2) of this chapter, the act does not need to be attested**
23 **by a seal.**

24 SECTION 4. IC 2-3-4-3, AS AMENDED BY P.L.136-2018,
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2024]: Sec. 3. (a) ~~It shall be the duty of every member of the~~
27 ~~general assembly~~ **When** performing any of the acts as set forth
28 **described in section 1** of this chapter, **a legislative notary must show**
29 **the date that the legislative notary's power expires as provided in**
30 **subsection (c) on the document** at the time of signing any certificates
31 **of the legislative notary signs an acknowledgment, of a deed,**
32 **mortgage or other instrument, or any a jurat, or any other official**
33 **document. to append to such certificate the date of the member's**
34 **election to the general assembly.**

35 (b) ~~The jurisdiction power of any such member~~ **a legislative notary**
36 **to perform the duties mentioned acts described in this section shall be**
37 **coextensive with the state of section 1 of this chapter extends**
38 **throughout** Indiana.

39 (c) **The power of a legislative notary expires as follows:**

40 (1) **If the individual is a member of the general assembly, the**
41 **date the individual's current term of office expires.**

42 (2) **If the legislative notary is not a member of the general**



1 **assembly, the date the term of the current general assembly**
 2 **expires.**

3 SECTION 5. IC 2-3-4-4 IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2024]: Sec. 4. ~~(a) Any such member A~~
 5 **legislative notary** performing any of the acts ~~or duties hereunder shall~~
 6 **be described in section 1 of this chapter** is entitled to the same fees
 7 as those charged by ~~notaries a notary public. and where any~~

8 **(b) If an** act by a notary public would be a violation of the law, it
 9 ~~shall likewise be the same act performed by a legislative notary is~~
 10 a violation of the law. ~~if committed by a member of said general~~
 11 ~~assembly in the performance of any of the duties or acts authorized~~
 12 ~~hereunder. All laws and parts of laws in conflict herewith are hereby~~
 13 ~~repeated.~~

14 SECTION 6. IC 33-42-0.5-13, AS ADDED BY P.L.59-2018,
 15 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2024]: Sec. 13. "Electronic seal" means information that:

- 17 (1) is specific to an individual notary public;
 18 (2) is attached to or associated with a notarized electronic record;
 19 and
 20 (3) contains:
 21 (A) the words, "notary public";
 22 (B) the words, "state of Indiana";
 23 ~~(C) the word, "seal";~~
 24 ~~(D) (C)~~ the notary public's name as it appears on the notary
 25 public's commission certificate;
 26 ~~(E) (D)~~ the words, "commission number", followed by the
 27 commission number of the notary public; and
 28 ~~(F) (E)~~ the words, "my commission expires", followed by the
 29 expiration date of the notary public's commission.

30 SECTION 7. IC 33-42-0.5-21, AS ADDED BY P.L.59-2018,
 31 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2024]: Sec. 21. **(a) "Official seal"** means either of the
 33 following:

- 34 (1) A physical image that is affixed to or embossed upon a
 35 tangible record.
 36 (2) An electronic image that is attached to or associated with an
 37 electronic record.

38 **(b) An "official seal" does not require the word "seal" to be**
 39 **contained within the physical or electronic image described in**
 40 **subsection (a).**

41 SECTION 8. IC 33-42-10-2, AS ADDED BY P.L.128-2017,
 42 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2024]: Sec. 2. (a) The official seal of a notary public must
2 include the following:
- 3 (1) The words "notary public".
 - 4 (2) The words "state of Indiana".
 - 5 ~~(3) The word "seal".~~
 - 6 ~~(4)~~ **(3)** The name of the notary public exactly as it appears on the
7 notary public's commission certificate.
 - 8 ~~(5)~~ **(4)** The words "commission number" followed by the
9 commission number of the notary public.
 - 10 ~~(6)~~ **(5)** The words "my commission expires" followed by the
11 expiration date of the notary public's commission.
 - 12 (b) The seal described in subsection (a) must be capable of being
13 copied together with the record to which it is affixed, attached, or
14 associated.
 - 15 (c) The seal described in subsection (a) may include any other
16 information chosen by the notary public to be included on the seal.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1032, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1032 as introduced.)

JETER

Committee Vote: Yeas 10, Nays 0

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1032 be amended to read as follows:

Page 2, line 11, delete "A" and insert "**Except as provided in subsection (c), a**".

Page 2, line 19, delete "An" and insert "**Except as provided in subsection (c), an**".

Page 2, between lines 20 and 21, begin a new paragraph and insert: "**(c) If a legislative notary is performing an act described in section 1(a)(2) of this chapter, the act does not need to be attested by a seal.**".

(Reference is to HB 1032 as printed January 29, 2024.)

CLERE

 COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1032, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, after line 13, begin a new paragraph and insert:

"SECTION 6. IC 33-42-0.5-13, AS ADDED BY P.L.59-2018, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. "Electronic seal" means information that:

- (1) is specific to an individual notary public;
- (2) is attached to or associated with a notarized electronic record;

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and

(3) contains:

(A) the words, "notary public";

(B) the words, "state of Indiana";

~~(C) the word, "seal";~~

~~(D)~~ (C) the notary public's name as it appears on the notary public's commission certificate;

~~(E)~~ (D) the words, "commission number", followed by the commission number of the notary public; and

~~(F)~~ (E) the words, "my commission expires", followed by the expiration date of the notary public's commission.

SECTION 7. IC 33-42-0.5-21, AS ADDED BY P.L.59-2018, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 21. (a) "Official seal" means either of the following:

(1) A physical image that is affixed to or embossed upon a tangible record.

(2) An electronic image that is attached to or associated with an electronic record.

(b) An "official seal" does not require the word "seal" to be contained within the physical or electronic image described in subsection (a).

SECTION 8. IC 33-42-10-2, AS ADDED BY P.L.128-2017, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The official seal of a notary public must include the following:

(1) The words "notary public".

(2) The words "state of Indiana".

~~(3) The word "seal".~~

~~(4)~~ (3) The name of the notary public exactly as it appears on the notary public's commission certificate.

~~(5)~~ (4) The words "commission number" followed by the commission number of the notary public.

~~(6)~~ (5) The words "my commission expires" followed by the expiration date of the notary public's commission.

(b) The seal described in subsection (a) must be capable of being copied together with the record to which it is affixed, attached, or associated.

(c) The seal described in subsection (a) may include any other information chosen by the notary public to be included on the seal."

Renumber all SECTIONS consecutively.



and when so amended that said bill do pass.

(Reference is to HB 1032 as reprinted February 1, 2024.)

BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 0.

