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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4972

03/14/2024 Authored by Freiberg and Klevorn The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to state government; making changes to electronic database of notaries;
1.3 amending Minnesota Statutes 2022, sections 358.645, subdivision 2; 358.71;
1.4 359.01, subdivision 5; 359.03, subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 358.645, subdivision 2, is amended to read:

1.7 Subd. 2. Qualifications; registration required. (a) A remote online notary public:

1.8 (1) is a notary public for purposes of chapter 359 and is subject to and must be appointed
1.9 and commissioned under that chapter;

1.10 (2) may perform notarial acts as provided by this chapter and chapter 359 in addition to
1.11 performing remote online notarizations; and

1.12 (3) may perform remote online notarizations authorized under this section.

1.13 (b) A notary public commissioned in this state may apply for remote online notarization
1.14 registration according to this section. Before a notary performs a remote online notarization,
1.15 the notary must register the capability to perform notarial acts pursuant to section 358.645
1.16 with the secretary of state according to section 359.01, subdivision 5, and must certify that
1.17 the notary intends to use communication technology that conforms to this section.

1.18 (c) Unless terminated under this section, the term of registration to perform remote online
1.19 notarial acts begins on the registration starting date set by the secretary of state and continues
1.20 as long as the notary public's current commission to perform notarial acts remains valid.

2.1 (d) Upon the applicant's fulfillment of the requirements for remote online notarization
 2.2 registration under this section, the secretary of state shall record the registration under the
 2.3 applicant's notary public commission number.

2.4 (e) The secretary of state may reject a registration application if the applicant fails to
 2.5 comply with paragraphs (a) to (d). The commissioner of commerce may revoke a registration
 2.6 if the applicant fails to comply with subdivisions 2 to 6.

2.7 Sec. 2. Minnesota Statutes 2022, section 358.71, is amended to read:

2.8 **358.71 DATABASE OF NOTARIES PUBLIC.**

2.9 The secretary of state shall maintain an electronic database of notaries public:

2.10 ~~(1)~~ through which a person may verify the authority of a notary public to perform notarial
 2.11 acts, including notarial acts pursuant to section 358.645~~;~~² and to perform notarial acts on
 2.12 electronic records.

2.13 ~~(2) which indicates whether a notary public has applied to the commissioning officer or~~
 2.14 ~~agency to perform notarial acts on electronic records or to perform notarial acts pursuant~~
 2.15 ~~to section 358.645.~~

2.16 Sec. 3. Minnesota Statutes 2022, section 359.01, subdivision 5, is amended to read:

2.17 Subd. 5. **Registration to perform electronic notarizations.** Before performing electronic
 2.18 notarial acts, a notary public shall register the capability to notarize electronically with the
 2.19 secretary of state. ~~Before performing electronic notarial acts after recommissioning, a notary~~
 2.20 ~~public shall reregister with the secretary of state.~~ Unless terminated for any reason, the term
 2.21 of registration to perform electronic notarial acts begins on the registration starting date set
 2.22 by the secretary of state and continues as long as the notary public has a valid commission
 2.23 to perform notarial acts. The requirements of this chapter relating to electronic notarial acts
 2.24 do not apply to notarial acts performed under sections 358.15, paragraph (a), clause (4),
 2.25 and 358.60, subdivision 1, clause (2).

2.26 Sec. 4. Minnesota Statutes 2022, section 359.03, subdivision 3, is amended to read:

2.27 Subd. 3. **Specifications.** (a) The official notarial stamp consists of the seal of the state
 2.28 of Minnesota, the name of the notary as it appears on the commission or the name of the
 2.29 ex officio notary, the words "Notary Public," or "Notarial Officer" in the case of an ex
 2.30 officio notary, and the words "My commission expires (or where applicable) My
 2.31 term is indeterminate," with the expiration date shown on it and must be able to be reproduced

3.1 in any legibly reproducible manner. The official notarial stamp shall be a rectangular form
3.2 of not more than three-fourths of an inch vertically by 2-1/2 inches horizontally, with a
3.3 serrated or milled edge border, and shall contain the information required by this subdivision.

3.4 (b) A notarial stamp that complied with these requirements at the time of issuance may
3.5 continue to be used during the remainder of the current term of the notary even if changes
3.6 to any of these requirements subsequently become effective.