

SENATE BILL 888

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 16 and Section 8-21-1201, relative to notaries public.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-21-1201, is amended by deleting the section in its entirety and substituting instead the following:

(a) A notary public or the notary's employer is entitled to demand and receive reasonable fees and compensation for the notary's services.

(b) If the notary or the notary's employer demands and receives a fee, the notary shall keep a record, either in an appropriate electronic form or in a well-bound book, of each of the notary's acts, attestations, protestations, and other instruments of publication.

(c)

(1) If the notary or the notary's employer does not demand or receive a fee for the notary's services, no recordation of the notary's acts, attestations, protestations, and other instruments of publication is required.

(2) If the notary or the notary's employer demands and receives a fee for one (1) or more services but does not separately charge a fee for the notary services, then no recordation of the notary's acts, attestations, protestations, and other instruments of publication is required.

(d)

(1) If the notary is an employee of a financial institution subject to the Financial Records Privacy Act, compiled in title 45, chapter 10, and the notary or

employer of the notary charges a fee, and the services performed by the notary are part of the notary's duties and within the scope of the notary's employment, then access to the record shall be governed by the Financial Records Privacy Act, or the federal Right to Financial Privacy Act of 1978 (12 U.S.C. § 3401 et seq.), whichever is applicable.

(2) If the notary is an employee of a financial institution and the notary does not charge a fee for the services, the records kept by the notary, if any, shall be considered records of the notary unless the financial institution adopts a written policy stating that such records are a record of the financial institution. In such case, access to the record shall be governed by the Financial Records Privacy Act or the federal Right to Financial Privacy Act of 1978, whichever is applicable.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.