



Bill Number: H.B. 2645

Petersen Floor Amendment

Reference to: Judiciary Committee amendment

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- 1. Increases, from \$25 to \$1,000, the civil penalty for a notary public who fails to notify the Secretary of State of the loss, theft or compromise of an official journal or stamping device.**
- 2. Allows the failure of payment by a notary public to be referred to the Attorney General for collection.**
- 3. Requires the court, in an action in which the validity of a notarized document is at issue and it is determined that the notary public did not comply with outlined requirements, to provide notice of such finding to the Secretary of State and the appropriate county attorney.**
- 4. Modifies criteria for determining when a presumption must or must not be given to the validity of the identity of a party who signed a notarized instrument, if the official journal of a notary public has been lost, stolen, compromised or never existed.**
- 5. Makes technical changes.**

Amendment explanation prepared by Zack Dean

04/12/2022

PETERSEN FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2645
(Reference to JUDICIARY Committee amendment)

- 1 Page 1, line 17, strike "and" insert ". IF THE NOTARY PUBLIC FAILED TO COMPLY
2 WITH SUBSECTION A OF THIS SECTION,"
- 3 Line 18, after the period insert "IF THE NOTARY PUBLIC FAILED TO COMPLY WITH
4 SUBSECTION B OF THIS SECTION, THE SECRETARY OF STATE SHALL IMPOSE A CIVIL
5 PENALTY OF \$1,000 AGAINST THE NOTARY."
- 6 Line 20, after the period insert "FAILURE TO PAY A PENALTY MAY BE REFERRED TO
7 THE ATTORNEY GENERAL FOR COLLECTION."
- 8 Line 22, strike "AND" insert a comma
- 9 Line 23, strike "OR NEVER EXISTED, NO" insert "AND THE NOTARY COMPLIED WITH
10 THIS SECTION, A"
- 11 Page 2, line 1, after "INSTRUMENT" insert a period strike remainder of line
12 Strike line 2
- 13 Line 3, strike "JOURNAL CONTAINED A RECORD OF" insert "IF IT IS DETERMINED
14 THAT THE OFFICIAL JOURNAL NEVER EXISTED OR THAT THE NOTARY PUBLIC FAILED TO
15 COMPLY WITH THIS SECTION, NO PRESUMPTION SHALL APPLY THAT"
- 16 Line 4, after "QUESTION" strike remainder of line
17 Strike lines 5 and 6, insert "IS VALID."

1 E. IN AN ACTION IN WHICH THE VALIDITY OF A NOTARIZED DOCUMENT IS AT
2 ISSUE AND IT IS DETERMINED THAT THE NOTARY PUBLIC DID NOT COMPLY WITH THIS
3 SECTION, THE COURT SHALL PROVIDE NOTICE OF SUCH FINDINGS TO THE SECRETARY
4 OF STATE AND THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH THE VIOLATION
5 OCCURRED."

6 Amend title to conform

WARREN PETERSEN

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