

PROPOSED
SENATE AMENDMENTS TO H.B. 2645
(Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 41-323, Arizona Revised Statutes, is amended to
3 read:

4 41-323. Change of address; lost, stolen or compromised journal
5 or seal; civil penalty

6 A. Within thirty days after the change of a notary public's mailing,
7 business or residential address, the notary public shall deliver to the
8 secretary of state, by certified mail or other means providing a receipt, a
9 signed notice of the change that provides both the old and new addresses.

10 B. Within ten days after the loss, theft or compromise of an
11 official journal or stamping device, the notary public shall deliver to the
12 secretary of state, by certified mail or other means providing a receipt, a
13 signed notice of the loss, theft or compromise. The notary also shall
14 inform the appropriate law enforcement agency in the case of theft.

15 C. If a notary public fails to comply with subsection A or B of this
16 section, the notary public has failed to fully and faithfully discharge the
17 duties of a notary public and the secretary of state may impose a civil
18 penalty of \$25 against the notary. The notary public shall pay any civil
19 penalty imposed by the secretary of state pursuant to this subsection
20 before the renewal of the notary's commission.

21 D. IN A JUDICIAL PROCEEDING WHERE THE IDENTITY OF A PARTY TO A
22 NOTARIZED INSTRUMENT IS IN QUESTION AND THE OFFICIAL JOURNAL OF THE NOTARY
23 PUBLIC IS LOST, STOLEN OR COMPROMISED OR NEVER EXISTED, NO PRESUMPTION
24 SHALL BE GIVEN TO THE VALIDITY OF THE IDENTITY OF THE PARTY WHO SIGNED THE

1 INSTRUMENT UNLESS THE NOTARY PUBLIC HAS COMPLIED WITH SUBSECTION B OF THIS
2 SECTION. IT IS A REBUTTABLE PRESUMPTION THAT A LOST, STOLEN OR COMPROMISED
3 JOURNAL CONTAINED A RECORD OF THE IDENTITY OF THE PARTY WHO SIGNED THE
4 NOTARIZED INSTRUMENT IN QUESTION IF A PARTY SEEKING TO ENFORCE THE VALIDITY
5 OF A NOTARIZED INSTRUMENT PRODUCES EVIDENCE THAT THE NOTARY PUBLIC COMPLIED
6 WITH SUBSECTION B OF THIS SECTION."

7 Renumber to conform

8 Page 2, after line 16, insert:

9 "F. THE ATTORNEY GENERAL OR COUNTY ATTORNEY FOR THE COUNTY IN WHICH
10 AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY PROSECUTE A VIOLATION OF
11 THIS SECTION."

12 Amend title to conform

WARREN PETERSEN

2645PETERSEN.docx
03/23/2022
4:01 PM
C: AH