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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 227

01/11/2023 Authored by Huot, Xiong, Frazier, Jordan and Olson, L., The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to marriage; authorizing notary publics to perform civil marriages;
1.3 amending Minnesota Statutes 2022, sections 357.17; 359.04; 517.04; proposing
1.4 coding for new law in Minnesota Statutes, chapter 359.

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

1.6 Section 1. Minnesota Statutes 2022, section 357.17, is amended to read:

1.7 357.17 NOTARIES PUBLIC.

1.8 (a) The maximum fees to be charged and collected by a notary public shall be as follows:

1.9 (1) for protest of nonpayment of note or bill of exchange or of nonacceptance of such
1.10 bill; where protest is legally necessary, and copy thereof, \$5;

1.11 (2) for every other protest and copy, \$5;

1.12 (3) for making and serving every notice of nonpayment of note or nonacceptance of bill
1.13 and copy thereof, \$5;

1.14 (4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and
1.15 \$1 per folio for copies;

1.16 (5) for each oath administered, \$5;

1.17 (6) for acknowledgments of deeds and for other services authorized by law, the legal
1.18 fees allowed other officers for like services;

1.19 (7) for recording each instrument required by law to be recorded by the notary, \$5 per
1.20 folio.

2.1 (b) A notary public may charge a fee for performing a marriage in excess of the fees in
 2.2 paragraph (a) if the notary is a licensed business with the Office of the Secretary of State.

2.3 Sec. 2. Minnesota Statutes 2022, section 359.04, is amended to read:

2.4 **359.04 POWERS.**

2.5 Every notary public so appointed, commissioned, and qualified shall have power
 2.6 throughout this state to administer all oaths required or authorized to be administered in
 2.7 this state; to take and certify all depositions to be used in any of the courts of this state; to
 2.8 take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and
 2.9 other instruments in writing or electronic records; to receive, make out, and record notarial
 2.10 protests; to perform civil marriages consistent with this chapter and chapter 517; and to
 2.11 perform online remote notarial acts in compliance with the requirements of sections 358.645
 2.12 and 358.646.

2.13 Sec. 3. **[359.115] CIVIL MARRIAGE OFFICIANT.**

2.14 A notary public shall have the power to solemnize civil marriages throughout the state
 2.15 if the notary public has filed a copy of the notary public's notary credentials with the local
 2.16 registrar of a county in this state. When a local registrar records notary credentials for a
 2.17 notary public, the local registrar shall provide a certificate of filing to the notary whose
 2.18 credentials are recorded. A notary public shall endorse and record the county where the
 2.19 notary public's credentials are recorded upon each certificate of civil marriage granted by
 2.20 the notary.

2.21 Sec. 4. Minnesota Statutes 2022, section 517.04, is amended to read:

2.22 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

2.23 Civil marriages may be solemnized throughout the state by an individual who has attained
 2.24 the age of 21 years and is a judge of a court of record, a retired judge of a court of record,
 2.25 a court administrator, a retired court administrator with the approval of the chief judge of
 2.26 the judicial district, a former court commissioner who is employed by the court system or
 2.27 is acting pursuant to an order of the chief judge of the commissioner's judicial district, a
 2.28 notary authorized by the Office of the Secretary of State, the residential school superintendent
 2.29 of the Minnesota State Academy for the Deaf and the Minnesota State Academy for the
 2.30 Blind, a licensed or ordained minister of any religious denomination, or by any mode
 2.31 recognized in section 517.18. For purposes of this section, a court of record includes the
 2.32 Office of Administrative Hearings under section 14.48.