

Sec. 20. REPEALER.

Minnesota Statutes 1992, sections 473.399, subdivisions 2 and 3; 473.3991; and 473.3994, subdivision 6, are repealed.

Laws 1991, chapter 291, article 4, section 20, is repealed.

Sec. 21. APPLICATION.

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 22. EFFECTIVE DATE.

Section 15 is effective the day after final enactment. The remaining sections of this act are effective July 1, 1993.

Presented to the governor May 20, 1993

Signed by the governor May 24, 1993, 12:05 p.m.

CHAPTER 354—H.F.No. 1063

An act relating to commerce; currency exchanges; changing the date for submission of license renewal applications; relating to notaries public; making various technical changes; providing for the appointment and powers of notaries; prescribing penalties; amending Minnesota Statutes 1992, sections 53A.03; 359.01; 359.02; 359.03, subdivisions 1 and 3; 359.04; 359.05; 359.071; and 359.12.

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

Section 1. Minnesota Statutes 1992, section 53A.03, is amended to read:

53A.03 APPLICATION FOR LICENSE; FEES.

(a) An application for a license must be in writing, under oath, and in the form prescribed and furnished by the commissioner and must contain the following:

(1) the full name and address (both of residence and place of business) of the applicant, and if the applicant is a partnership or association, of every member, and the name and business address if the applicant is a corporation;

(2) the county and municipality, with street and number, if any, of all currency exchange locations operated by the applicant; and

(3) the applicant's occupation or profession, for the ten years immediately preceding the application; present or previous connection with any other cur-

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rency exchange in this or any other state; whether the applicant has ever been convicted of any crime; and the nature of the applicant's occupancy of the premises to be licensed; and if the applicant is a partnership or a corporation, the information specified in this paragraph must be supplied for each partner and each officer and director of the corporation. If the applicant is a partnership or a nonpublicly held corporation, the information specified in this paragraph must be required of each partner and each officer, director, and stockholders owning in excess of ten percent of the corporate stock of the corporation.

(b) The application shall be accompanied by a nonrefundable fee of \$250 for the review of the initial application. Upon approval by the commissioner, an additional license fee of \$50 must be paid by the applicant as an annual license fee for the remainder of the calendar year. An annual license fee of \$50 is due for each subsequent calendar year of operation upon submission of a license renewal application on or before ~~December~~ September 1. Fees must be deposited in the state treasury and credited to the general fund. Upon payment of the required annual license fee, the commissioner shall issue a license for the year beginning January 1.

(c) The commissioner shall require the applicant to submit to a background investigation conducted by the bureau of criminal apprehension as a condition of licensure. As part of the background investigation, the bureau of criminal apprehension shall conduct criminal history checks of Minnesota records and is authorized to exchange fingerprints with the Federal Bureau of Investigation for the purpose of a criminal background check of the national files. The cost of the investigation must be paid by the applicant.

(d) For purposes of this section, "applicant" includes an employee who exercises management or policy control over the company, a director, an officer, a limited or general partner, a manager, or a shareholder holding more than ten percent of the outstanding stock of the corporation.

Sec. 2. Minnesota Statutes 1992, section 359.01, is amended to read:

359.01 COMMISSIONER.

Subdivision 1. **RESIDENT NOTARIES.** The governor may appoint and commission as notaries public, by and with the advice and consent of the senate, as many citizens of this state or resident aliens, over the age of 18 years, resident in the county for which appointed, as the governor ~~deems~~ considers necessary.

Subd. 2. **NONRESIDENT NOTARIES.** Notwithstanding the provisions of subdivision 1, the governor may appoint as notary public, by and with the advice and consent of the senate, a person who is not a resident of this state ~~and who is not a resident of the county for which appointment is sought~~ if:

(1) the person is a resident of Wisconsin, Iowa, North Dakota, or South Dakota, and of a county that shares a boundary with this state;

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(2) the person designates the court administrator of the district court of a county of this state that shares a boundary with the county of residence commissioner as agent for the service of process for all purposes relating to notarial acts and for receipt of all correspondence relating to notarial acts.

Subd. 3. FEES. The fee for each commission shall not exceed \$40. (a) When making application for a commission the applicant must submit, along with the information required by the commissioner, a nonrefundable fee of \$40.

(b) All fees shall be retained by the commissioner and are nonreturnable, except that an overpayment of a fee is the subject of a refund upon proper application.

Sec. 3. Minnesota Statutes 1992, section 359.02, is amended to read:

359.02 ~~TERM, BOND, OATH, REAPPOINTMENT.~~

A notary commissioned under section 359.01 holds office for ~~six~~ five years, unless sooner removed by the governor or the district court. ~~Before entering upon the duties of office, a newly commissioned notary shall file the notary's oath of office with the secretary of state.~~ Within 30 days before the expiration of the commission a notary may be reappointed for a new term to commence and to be designated in the new commission as beginning upon the day immediately following the date of the expiration. The reappointment takes effect and is valid although the appointing governor may not be in the office of governor on the effective day.

(a) All notary commissions issued before January 31, 1995, will expire on January 31, 1995.

(b) All notary commissions issued after January 31, 1995, will expire at the end of the licensing period, which will end every fifth year following January 31, 1995.

(c) All notary commissions issued during a licensing period expire at the end of that period as set forth in this section.

Sec. 4. Minnesota Statutes 1992, section 359.03, subdivision 1, is amended to read:

Subdivision 1. Every notary shall get an official seal, with which to authenticate official acts, and upon which shall be engraved the arms of this state, the words "notarial seal," and the name of the county for which appointed. Such The seal, with the notary's official register, shall be is exempt from execution, and, on death or removal from office, ~~such~~ the register shall must be deposited with the court administrator of the district court of the notary's county.

Sec. 5. Minnesota Statutes 1992, section 359.03, subdivision 3, is amended to read:

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Subd. 3. The seal of every notary public ~~after January 1, 1972,~~ may be affixed by a stamp that will print a seal which legibly reproduces under photographic methods the seal of the state of Minnesota, the name of the notary, the words "Notary Public," ~~the name of the county for which appointed,~~ and the words "My commission expires" with the expiration date shown thereon. The seal shall be a rectangular form of not more than three-fourths of an inch vertically by 2-1/2 inches horizontally, with a serrated or milled edge border, and shall contain the information required by this subdivision.

Sec. 6. Minnesota Statutes 1992, section 359.04, is amended to read:

359.04 POWERS.

Every ~~such~~ notary public so appointed, commissioned, and qualified shall have power throughout ~~the this state;~~ to administer all oaths required or authorized by law; to be administered in this state; to take and certify all depositions; to be used in any of the courts of this state; to take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments; in writing; and to receive, make out, and record notarial protests.

Sec. 7. Minnesota Statutes 1992, section 359.05, is amended to read: .

359.05 DATE OF EXPIRATION OF COMMISSION AND NAME TO BE ENDORSED.

~~Each notary public so appointed, commissioned, and qualified, shall have power throughout this state to administer all oaths required or authorized to be administered in this state; to take and certify all depositions to be used in any of the courts of this state; to take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney; and other instruments in writing; and to receive, make out, and record notarial protests.~~

Every notary public, except in cases provided in section 359.03, subdivision 3, taking an acknowledgment of an instrument, taking a deposition, administering an oath, or making a notarial protest, shall, immediately following the notary's signature to the jurat or certificate of acknowledgment, endorse the date of the expiration of the commission; such endorsement may be legibly written, stamped, or printed upon the instrument, but must be disconnected from the seal, and shall be substantially in the following form: "My commission expires, 19....." Except in cases provided in section 359.03, subdivision 3, every notary public, in addition to signing the jurat or certificate of acknowledgment, shall, immediately following the signature and immediately preceding the official description, endorse thereon the notary's name with a typewriter or print the same legibly with a stamp or with pen and ink; provided that the failure so to endorse or print the name shall not invalidate any jurat or certificate of acknowledgment.

Sec. 8. Minnesota Statutes 1992, section 359.071, is amended to read:

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359.071 CHANGE OF RESIDENCE ADDRESS.

A notary public who, during a term of office, establishes residency in a county of this state other than the county for which appointed, may file with the secretary of state an affidavit identifying the county of current residency, the county of appointment as notary public, and the date of change of residency. If the affidavit is properly filed, the notary continues to have the same powers during the unexpired term of appointment as if there were no change of residence. The notary public may use the official seal for the remainder of the term. A notary shall notify the commissioner of any address change within 30 days of the change.

Sec. 9. Minnesota Statutes 1992, section 359.12, is amended to read:

359.12 REMOVAL FROM OFFICE ADMINISTRATIVE ACTIONS AND PENALTIES.

Every notary who shall charge or receive a fee or reward for any act or service done or rendered ~~under this chapter as a notary~~ greater than the amount allowed by law, or who dishonestly or unfaithfully discharges duties as notary, shall, ~~on complaint filed and substantiated as in other civil cases in the district court of the county of residence, be removed from office by such court. The fact of such removal shall thereupon be certified by the court administrator to the governor, and the person so removed shall thereafter be ineligible to such office or who has plead guilty, with or without explicitly admitting guilt, plead nolo contendere, or been convicted of a felony, gross misdemeanor, or misdemeanor involving moral turpitude, is subject to the penalties imposed pursuant to section 45.027, except that a notary may be removed from office only by the governor or the district court. The commissioner has all the powers provided by section 45.027 and shall proceed in the manner provided by that section in actions against notaries.~~

Sec. 10. CREDIT FOR FEE.

For notary commissions issued prior to January 1, 1994, the commissioner shall provide a pro rata credit of \$8 per year for the unexpired portion of the notary commissions that would have expired more than one year following January 1, 1995. The credit may only be applied toward the fees incurred for renewing a notary commission after December 31, 1994. Notary commissions issued after the effective date of this act shall expire on January 31, 2000.

Presented to the governor May 20, 1993

Signed by the governor May 24, 1993, 6:27 p.m.

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