

CHAPTER 359

NOTARIES PUBLIC

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359.01 COMMISSION.

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, as the governor 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 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;
- (2) the person designates the 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.** (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.

History: 1993 c 354 s 2; 1993 c 369 s 127

359.02 TERM.

A notary commissioned under section 359.01 holds office for five years, unless sooner removed by the governor or the district court. 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.

History: 1993 c 354 s 3

NOTE: This section was also amended by Laws 1993, chapter 369, section 128, to read as follows:

"359.02 **Term, bond, oath, reappointment.**

Subdivision 1. **Expiration in 1995.** Notary commissions issued before January 31, 1995, expire on January 31, 1995.

Subd. 2. **Six-year licensing period.** Notary commissions issued after January 31, 1995, expire at the end of the licensing period that will end every sixth year following January 31, 1995.

Subd. 3. **Partial licensing periods.** Notary commissions issued during a licensing period expire at the end of that period as set forth in this section."

359.03 SEAL; REGISTER.

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." The seal, with the notary's official register, is exempt from execution, and, on death or removal from office, the register must be deposited with the court administrator of the district court of the notary's county.

[For text of subd 2, see M.S.1992]

Subd. 3. The seal of every notary public 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," 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.

History: 1993 c 354 s 4,5

359.04 POWERS.

Every 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.

History: 1993 c 354 s 6

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

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.

History: 1993 c 354 s 7

359.071 CHANGE OF ADDRESS.

A notary shall notify the commissioner of any address change within 30 days of the change.

History: 1993 c 354 s 8

359.12 ADMINISTRATIVE ACTIONS AND PENALTIES.

Every notary who shall charge or receive a fee or reward for any act or service done or rendered as a notary greater than the amount allowed by law, or who dishonestly or unfaithfully discharges duties as notary, or who has pleaded 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.

History: 1993 c 354 s 9