CHAPTER 359

NOTARIES PUBLIC

359.01	COMMISSION.	359.07	NOTARY IN DETACHED COUNTY.
359.02	TERM.	359.071	CHANGE OF NAME OR ADDRESS.
359.03	STAMP; REGISTER.	359.08	MISCONDUCT.
359.04	POWERS.	359.085	STANDARDS OF CONDUCT FOR NOTARIAL ACTS.
359.061	RECORD OF COMMISSION.	359.091	ACCOMMODATION OF PHYSICAL LIMITATIONS.
359.062	NOTICE; LANGUAGES OTHER THAN ENGLISH.	359.11	TAKING DEPOSITIONS.

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. The governor will appoint and commission notaries public and the secretary of state shall receive applications for appointments and commissions, shall keep a register of those persons appointed and commissioned as notaries public by the governor with the advice and consent of the senate, shall update that register when informed of a change in name and address by a notary public, shall process applications by a notary public for reappointment, shall receive fees for the performance of these functions to be deposited into the general fund, and shall perform those clerical and administrative duties associated with these functions. The governor may also receive such applications directly.

Subd. 2. **Nonresident notaries.** (a) The governor, by and with the advice and consent of the senate, may appoint as notary public 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;

(2) the person designates the secretary of state as agent for the service of process for all purposes relating to notarial acts and for receipt of all correspondence relating to notarial acts; and

(3) the person designates the Minnesota county in which the person's notary commission will be recorded pursuant to section 359.061.

(b) The secretary of state shall receive applications for nonresident notary appointments and commissions, shall keep a register of those persons appointed and commissioned as notaries public by the governor with the advice and consent of the senate, shall update that register when informed of a change in name and address by a notary public, shall process applications by a notary public for reappointment, shall receive fees for the performance of these functions to be deposited into the general fund, and shall perform those clerical and administrative duties associated with these functions. The governor may also receive such applications directly.

Subd. 3. **Fees.** (a) When making application for a commission the applicant must submit, along with the information required by the secretary of state, a nonrefundable fee of $120, which shall be forwarded by the secretary of state to the commissioner of management and budget to be deposited in the state treasury and credited to the general fund.

(b) Except as otherwise provided in paragraph (a), all fees shall be retained by the secretary of state and are nonreturnable, except for an overpayment of a fee.

Subd. 4. **Application.** The secretary of state shall prepare the application form for a commission. The form may request personal information about the applicant, including, but not limited to, relevant civil

litigation, occupational license history, and criminal background, if any. For the purposes of this section, "criminal background" includes, but is not limited to, criminal charges, arrests, indictments, pleas, and convictions. The form must also include an oath of office statement.

Subd. 5. **Registration to perform electronic notarizations.** Before performing electronic notarial acts, a notary public shall register the capability to notarize electronically with the secretary of state. Unless terminated for any reason, the term of registration to perform electronic notarial acts begins on the registration starting date set by the secretary of state and continues as long as the notary public has a valid commission to perform notarial acts. The requirements of this chapter relating to electronic notarial acts do not apply to notarial acts performed under sections 358.15, paragraph (a), clause (4), and 358.60, subdivision 1, clause (2).

Subd. 6. **No immunity or benefit.** A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

History: *(6937) RL s 2656; 1955 c 820 s 44; 1969 c 1148 s 59; 1973 c 725 s 67; 1984 c 504 s 1; 1984 c 609 s 23; 1984 c 654 art 2 s 129; 1Sp1986 c 3 art 1 s 82; 1992 c 513 art 3 s 72; 1993 c 354 s 2; 1993 c 369 s 127; 1996 c 439 art 1 s 22,23; 2004 c 251 s 19; 2005 c 156 art 2 s 37; 2006 c 260 art 7 s 5; 2009 c 101 art 2 s 88; 2010 c 380 s 7,8; 2014 c 204 s 4; 2018 c 176 art 2 s 5-7; 2024 c 112 art 2 s 68*

359.02 TERM.

A notary commissioned under section 359.01 holds office until January 31 of the fifth year following the year the commission was issued, unless sooner removed by the governor or the district court, or by action of the commissioner of commerce. Six months before the expiration of the commission, a notary may renew the notary's commission 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. A notary whose commission expires may apply for reappointment after the expiration date. The reappointment or renewal takes effect and is valid although the appointing governor may not be in the Office of Governor on the effective day.

History: *(6938) RL s 2657; 1953 c 63 s 1; 1984 c 504 s 2; 1986 c 444; 1989 c 6 s 1; 1989 c 189 s 1; 1993 c 354 s 3; 1993 c 369 s 128; 1994 c 465 art 3 s 72; 1996 c 439 art 1 s 24; 1999 c 11 art 4 s 1; 2001 c 208 s 25; 2010 c 380 s 9*

359.03 STAMP; REGISTER.

Subdivision 1. **Requirement.** Every notary, including an ex officio notary under section 358.15, shall obtain an official notarial stamp as specified in subdivision 3, with which to authenticate official acts. The official notarial stamp, and the notary's official journal, are the personal property of the notary and are exempt from execution.

Subd. 2. **Validation and legalization of certain instruments.** (a) All instruments heretofore duly made and executed which have been acknowledged before a notary public as provided by law, but the seal or stamp used thereon has engraved on it "notary public," are hereby validated and legalized, and in case such instruments are recorded, the recording is hereby validated and legalized, and all such instruments are validated to the same extent as though properly sealed at the time of their acknowledgment. This subdivision shall not affect any action now pending in any of the courts of this state.

(b) The official notarial stamp required by this section, whether applied to the record physically or electronically, is deemed to be a "seal" for purposes of the admission of a document in court.

Subd. 3. **Specifications.** (a) The official notarial stamp consists of the seal of the state of Minnesota, the name of the notary as it appears on the commission or the name of the ex officio notary, the words "Notary Public," or "Notarial Officer" in the case of an ex officio notary, and the words "My commission expires ..... (or where applicable) My term is indeterminate," with the expiration date shown on it and must be able to be reproduced in any legibly reproducible manner. The official notarial stamp 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.

(b) A notarial stamp that complied with these requirements at the time of issuance may continue to be used during the remainder of the current term of the notary even if changes to any of these requirements subsequently become effective.

Subd. 4. **Notarial stamp may be affixed electronically.** The information required by this section may be affixed electronically and shall be logically and securely affixed or associated with the electronic record being notarized.

History: *(6939) RL s 2658; 1947 c 42 s 1; 1947 c 372 s 1; 1971 c 251 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1993 c 354 s 4,5; 2006 c 260 art 7 s 6,7; 2010 c 380 s 10-13; 2024 c 112 art 2 s 69*

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 or electronic records; to receive, make out, and record notarial protests; and to perform online remote notarial acts in compliance with the requirements of sections 358.645 and 358.646.

History: *(6940) RL s 2659; 1947 c 372 s 2; 1993 c 354 s 6; 2006 c 260 art 7 s 8; 2018 c 176 art 2 s 8*

359.05 [Repealed, 2010 c 380 s 18]

359.06 [Repealed, 1976 c 2 s 128]

359.061 RECORD OF COMMISSION.

Subdivision 1. **Resident notaries.** The commission of every notary commissioned under section 359.01, together with: (1) a signature that matches the first, middle, and last name as listed on the notary's commission and shown on the notarial stamp, and (2) a sample signature in the style in which the notary will actually execute notarial acts, shall be recorded in the office of the local registrar of the notary's county of residence or in the county department to which duties relating to notaries public have been assigned under section 485.27, in a record kept for that purpose.

Subd. 2. **Nonresident notaries.** The commission of a nonresident notary must be recorded in the Minnesota county the notary designates pursuant to section 359.01, subdivision 2, clause (3), in the county department to which duties relating to notaries public have been assigned under section 485.27.

Subd. 3. **Certificate of court administrator.** The court administrator, when requested, shall certify to official acts in the manner and for the fees prescribed by statute or court rule.

Subd. 4. **County notary certificate.** The county department, to which duties relating to notaries public have been assigned under section 485.27, shall certify to official acts under this section for the fee of $5 and in the form of:

State of Minnesota

..... County

"I the undersigned ....., in and for said county and state, do hereby certify that ....., whose name is subscribed to on the attached document held the office of notary public in said county and state at the date of said subscription and was authorized under the laws of this state to take acknowledgments, to administer oaths, take depositions, acknowledgments of deeds, and other written instruments, and exercise all such powers and duties authorized by the laws of Minnesota as notary public. I further certify that I have compared the subscribed signature to the signature on file in this office and believe them to be the same.

Signed this date ..... in the county of ....., state of Minnesota."

Signature .....

Title .....

History: *1976 c 239 s 109; 1983 c 359 s 46; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1996 c 439 art 1 s 25; 1997 c 222 s 55; 2010 c 380 s 14; 2011 c 116 art 1 s 3,4*

359.062 NOTICE; LANGUAGES OTHER THAN ENGLISH.

(a) A notary public who is not an attorney who advertises the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall post or otherwise include with the advertisement a notice in English and the language in which the advertisement appears. This notice must be of a conspicuous size, if in writing, and must state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN MINNESOTA AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If the advertisement is by radio or television, the statement may be modified but must include substantially the same message.

(b) A notary public who violates this section is guilty of a misdemeanor.

History: *1996 c 401 s 2*

359.07 NOTARY IN DETACHED COUNTY.

Subdivision 1. **Powers.** In any county which has heretofore been detached from another county of this state, and which has been newly created and organized, any notary public residing in such newly created and organized county, who was a resident of the county from which the new county was detached and created, shall have the same powers during the unexpired term of appointment as such notary public was authorized by law to exercise under the commission issued to the notary as a resident of the county from which the new county was detached and created and within which the original appointment as notary public was made; and all acts heretofore done by any such notary public, while residing in the newly created and organized county, otherwise in conformity of law, are hereby declared to be legal and valid and to the same effect as if the notary public had been originally commissioned as a resident of the newly created and organized county.

Subd. 2. **Record of commission.** Such notary public so residing in the newly created and organized county shall have the commission as such notary public recorded by the court administrator of the district court of the newly created and organized county of residence, or of the county to which the newly created county is attached for judicial purposes, as provided in section 359.061, and when so recorded shall be

entitled to the same certificate of and from the court administrator of the district court as provided in section 359.061.

Subd. 3. **Seal.** Such notary shall, immediately upon the adoption of this section, get an official seal, as provided in and in conformity with section 359.03.

History: *(6943, 6944, 6945) 1907 c 323 s 1-3; 1980 c 509 s 142; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

359.071 CHANGE OF NAME OR ADDRESS.

A notary shall notify the secretary of state of any name or address change within 30 days of the change.

History: *1984 c 504 s 3; 1986 c 444; 1989 c 189 s 2; 1993 c 354 s 8; 1997 c 222 s 56; 2004 c 251 s 20*

359.08 MISCONDUCT.

Any notary who shall exercise the duties of office after the expiration of a term, or when otherwise disqualified, shall be guilty of a misdemeanor.

History: *(6946) RL s 2661; 1963 c 753 art 2 s 5; 1986 c 444*

359.085 STANDARDS OF CONDUCT FOR NOTARIAL ACTS.

Subdivision 1. **Acknowledgments.** In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument or electronic record.

Subd. 2. **Verifications.** In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is made in the presence of the officer on the statement verified.

Subd. 3. **Witnessing or attesting signatures.** In witnessing or attesting a signature, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named in the document or electronic record. When witnessing or attesting a signature, the officer must be present when the signature is made.

Subd. 4. **Certifying or attesting documents.** In certifying or attesting a copy of a document, electronic record, or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

Subd. 5. **Making or noting protests of negotiable instruments.** In making or noting a protest of a negotiable instrument or electronic record, the notarial officer must determine the matters set forth in section 336.3-505.

Subd. 6. **Satisfactory evidence.** A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document or electronic record if that person (i) is personally known to the notarial officer, (ii) is identified upon the oath or affirmation of a credible witness personally known to the notarial officer, or (iii) is identified on the basis of identification documents.

Subd. 7. **Prohibited acts.** A notarial officer may not acknowledge, witness or attest to the officer's own signature, or take a verification of the officer's own oath or affirmation.

Subd. 8. [Repealed, 2007 c 148 art 2 s 84]

History: *2000 c 483 s 53; 2006 c 260 art 7 s 10; 2007 c 148 art 2 s 66,67*

359.09 [Repealed, 1965 c 811 art 10 s 336.10-102]

359.091 ACCOMMODATION OF PHYSICAL LIMITATIONS.

(a) A notary public may certify as to the subscription or signature of an individual when it appears that the individual has a physical limitation that restricts the individual's ability to sign by writing or making a mark, pursuant to the following:

(1) the name of an individual may be signed, or attached electronically in the case of an electronic record, by another individual other than the notary public at the direction and in the presence of the individual whose name is to be signed and in the presence of the notary public. The signature may be made by a rubber stamp facsimile of the person's actual signature, mark, or a signature of the person's name or mark made by another and adopted for all purposes of signature by the person with a physical limitation; and

(2) the words "Signature written by" or "Signature attached by" in the case of an electronic record, "(name of individual directed to sign or directed to attach) at the direction and in the presence of (name as signed) on whose behalf the signature was written" or "attached electronically" in the case of an electronic record, or words of substantially similar effect must appear under or near the signature.

(b) A notary public may use signals or electronic or mechanical means to take an acknowledgment from, administer an oath or affirmation to, or otherwise communicate with any individual in the presence of such notary public when it appears that the individual is unable to communicate verbally or in writing.

History: *2010 c 380 s 15*

359.10 [Repealed, 1965 c 811 art 10 s 336.10-102]

359.11 TAKING DEPOSITIONS.

In taking depositions, the notary shall have the power to compel the attendance of and to punish witnesses for refusing to testify as provided by statute or court rule. All sheriffs shall serve and return all process issued by any notary in taking depositions.

History: *(6949) RL s 2664; 1983 c 359 s 47; 2005 c 10 art 2 s 4*

359.12 MS 2016 [Repealed, 2018 c 176 art 1 s 29]