

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

515A0441

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB1096 - 2/3/97**

Introduced by: Representatives DeMersseman, Brooks, Brown (Richard), Cutler, Haley, Madden, Matthews, Pederson (Gordon), Peterson (Bill), and Schaunaman and Senators Ham, Drake, Everist, Hainje, Reedy, and Vitter

1 FOR AN ACT ENTITLED, An Act to reduce the term of office and revise the qualifications of  
2 notaries public.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 18-1-1 be amended to read as follows:

5 18-1-1. The secretary of state shall appoint one or more notaries public, who shall hold ~~their~~  
6 office for ~~eight~~ six years unless sooner removed by the secretary of state. An applicant to become  
7 a notary public shall complete an application form as prescribed by the secretary of state pursuant  
8 to chapter 1-26. The applicant shall submit a fee of ten dollars. The application shall include the  
9 applicant's name, street, city, state, zip code, county, and date of birth. The applicant shall apply  
10 in the same name as that which will appear as the seal imprint. Each notary may, anywhere in this  
11 state, administer oaths and perform all other duties required ~~of him~~ by law. The secretary of state  
12 may not appoint as a notary public any person who has been convicted of a felony.

13 Section 2. That § 18-1-2 be amended to read as follows:

14 18-1-2. Each notary public, ~~before entering on~~ performing the duties of ~~his~~ the office, shall

1 take an oath as required by § 3-1-5, and shall give a bond to this state, to be approved by the  
2 attorney general ~~with one or more sureties~~, in the penal sum of five ~~hundred~~ thousand dollars,  
3 conditioned for the faithful discharge of the duties of ~~his~~ the office.

4 Section 3. That § 18-1-9 be amended to read as follows:

5 18-1-9. Notaries public ~~are entitled to~~ may charge and receive a fee not to exceed ~~two~~ ten  
6 dollars for each instrument notarized.

7 Section 4. That § 18-1-13 be amended to read as follows:

8 18-1-13. Any notary public who ~~commits~~ is convicted of committing an act which is  
9 designated as a ~~Class 2~~ misdemeanor in this chapter or any felony shall be removed from office  
10 by the secretary of state.

11 Section 5. That chapter 18-1 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 It is a Class 1 misdemeanor for a person to act as a notary public or to affix a signature to  
14 a document as a notary public if the person has not first obtained a commission from the  
15 secretary of state pursuant to this chapter. A second or subsequent conviction for a violation of  
16 this section is a Class 6 felony.

17 Section 6. That chapter 18-1 be amended by adding thereto a NEW SECTION to read as  
18 follows:

19 It is a Class 1 misdemeanor for a person to affix a signature to a document as a notary public  
20 when the person has also signed the document as a party to the transaction proceeding. A second  
21 or subsequent conviction for a violation of this section is a Class 4 felony.

1    **BILL HISTORY**

2    January 27 - First read in House and referred to Judiciary. H.J. 152

3    January 31 - Passed as amended, AYES 12, NAYS 1. H.J. 1236