State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0078

HOUSE JUDICIARY ENGROSSED NO. HB 1030 -
1/14/2008

Introduced by: The Committee on Judiciary at the request of the Office of the Secretary of State

FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the appointment of notaries public and the requirements of notary public seals.

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

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

18-1-1. The secretary of state shall appoint notaries public, who have residence in this state as defined in § 12-1-4. A notary public shall hold office for six years unless sooner removed by the secretary of state. An applicant to become a notary public shall complete an application form as prescribed by the secretary of state pursuant to chapter 1-26. The applicant shall submit a fee of twenty-five dollars. The application shall include the applicant's name, street, city, state, zip code, county, and date of birth. The applicant shall apply in the same name as that which will appear as the seal imprint. Each notary may, anywhere in this state, administer oaths and perform all other duties required by law. The secretary of state may not appoint as a notary public any person who has been convicted of a felony. The secretary of state may also appoint an applicant as a notary public if the applicant resides in a county bordering South Dakota and

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

the applicant's place of work or business is within the state of South Dakota.

Section 2. That § 18-1-3.1 be amended to read as follows:

18-1-3.1. ~~Any~~ Each notary public shall have a seal which shall be used for the purpose of acknowledging documents. The seal shall be of a type approved by the secretary of state and shall contain at least the following:

(1) The notary's name;

(2) The words, South Dakota;

(3) The words, notary public; and

(4) A border surrounding the imprint.

In addition, rubber stamp seals shall have the word, seal.

If a seal is used by a notary public, ~~he~~ the notary public shall write, or print by a device made for such printing, below the seal's imprint or print and if not provided by the form, the words, my commission expires, and shall provide a date therefor. ~~Any such device shall be separate and apart from the seal. Any notary public using a seal with the commission expiration date included as part of the imprint, prior to the effective date of this section, may use such seal until his current commission expires.~~