

Proposal for Legislation -- 2009
(for the 2009 Legislative Session)

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http://test.leg.mt.gov/css/committees/interim/2007_2008/st_admin_vet_affairs/default.asp

PROPOSER'S NAME/TITLE: Brad Johnson
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1. What is the problem or issue?

There is a need to update notary laws to: allow for electronic notarization, notary training, notary journals, clarify the type of seal that can be used, clarify residency, bonding, insurance document modification and training requirements.

2. What do you want the legislation to do?

In light of the growth of eCommerce, the demand for electronic notarization and in recognition of modifications other states have made to update notary laws, the Secretary of State would propose to update Montana notary laws. The updates would allow for electronic notarization addressing issues of security and identity in the electronic notarization process and preserving integrity of eDocuments, allow the Secretary of State to charge a fee when the office provides notary training, require notaries to retain and use a journal, clarify the type of seal that can be used, clarify residency, bonding, insurance document modification and training requirements.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

MCA 1-5-401 et seq.

4. If the proposed change requires additional funding, what funding sources do you propose (e.g., an increase in or both)?

Additional funding would be raised by fees charged to individuals applying to become commissioned as an eNotary and those participating in trainings.

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

eNotarization:

North Carolina and Pennsylvania were initial states to implement electronic notarization mandatory training and journals. Florida (HB 1305), Arizona, and Virginia (HB 2058) are states passing more recent legislation. The National Notary Association has adopted a Model Notary Act covering both paper-based and electronic provisions (Bill Anderson, Banderson@NationalNotary.org). Uniform Law on Notarial Acts exists and is currently under NCCUSL review. National eNotarization Commission, formed by Association of Secretaries of State, have established eNotarization standards.

Journals: Nevada, Arizona, Colorado, Minnesota and Oregon are among the 17 states requiring journals. Nevada and Oregon require training

6. If you are a holdover senator or a legislative candidate running unopposed, do you want the Legislative Services Division staff to consider this a bill draft request?

PLEASE RETURN YOUR PROPOSAL FOR LEGISLATION by May 30, 2008

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Notary Update SAVA Form (5) final