

HOUSE BILL NO. 252

INTRODUCED BY P. INGRAHAM

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE STORAGE LOCATION OF NOTARY PUBLIC JOURNALS FROM COUNTY CLERK AND RECORDERS' OFFICES TO THE SECRETARY OF STATE'S OFFICE UPON A NOTARY PUBLIC'S RESIGNATION, REMOVAL, OR DEATH OR UPON EXPIRATION OF THE NOTARY PUBLIC'S TERM OF OFFICE; AND AMENDING SECTIONS 1-5-419 AND 1-5-420, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 1-5-419, MCA, is amended to read:

"1-5-419. Transfer of records upon termination of office. (1) A notary public, upon resignation or removal from office or at the expiration of the notary public's term if the notary public is not reappointed, or, in case of the notary public's death, the notary public's legal representative shall:

(a) transfer in a timely manner all the journals kept by the notary public to the office of the ~~county clerk and recorder of the county in which the notary public was a resident~~ secretary of state; and

(b) destroy the notary's official stamp and seal.

(2) A knowing failure to take the actions prescribed in subsection (1) makes the offending person liable for damages to any person injured by the failure."

Section 2. Section 1-5-420, MCA, is amended to read:

"1-5-420. Powers and duties of ~~county clerk and recorder~~ secretary of state with whom when records deposited. It is the duty of ~~each county clerk and recorder~~ the secretary of state to receive and safely keep all records and papers of the notary in the case described in 1-5-419 and to give attested copies of them under a seal. ~~The county clerk and recorder may charge the fees allowed by law to the notaries, and the copies have the same effect as if certified by the notary.~~"

NEW SECTION. Section 3. Transition. Within 60 days of [the effective date of this act], every county clerk and recorder shall transfer any notary journals received in accordance with 1-5-419 to the office of the secretary of state.

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