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AN ACT  
RELATING TO NOTARIAL ACTS; ENACTING THE REVISED UNIFORM LAW  
ON NOTARIAL ACTS; REQUIRING RULEMAKING BY THE SECRETARY OF  
STATE; REPEALING SECTIONS OF THE NMSA 1978 PERTAINING TO  
NOTARIAL ACTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--Sections 1 through 32 of this  
act may be cited as the "Revised Uniform Law on Notarial  
Acts".

SECTION 2. DEFINITIONS.--In addition to the general  
definitions provided in Section 12-2A-3 of the Uniform  
Statute and Rule Construction Act, as used in the Revised  
Uniform Law on Notarial Acts:

A. "acknowledgment" means a declaration by an  
individual before a notarial officer that the individual has  
signed a record for the purpose stated in the record and, if  
the record is signed in a representative capacity, that the  
individual signed the record with proper authority and signed  
it as the act of the individual or entity identified in the  
record;

B. "electronic" means relating to technology  
having electrical, digital, magnetic, wireless, optical,  
electromagnetic or similar capabilities;

C. "electronic signature" means an electronic

1 symbol, sound or process attached to or logically associated  
2 with a record and executed or adopted by an individual with  
3 the intent to sign the record;

4 D. "foreign state" means a government other than  
5 the United States, a state or a federally recognized Indian  
6 tribe;

7 E. "in a representative capacity" means acting as:

8 (1) an authorized officer, agent, partner,  
9 trustee or other representative for a person other than an  
10 individual;

11 (2) a public officer, personal  
12 representative, guardian or other representative, in the  
13 capacity stated in a record;

14 (3) an agent or attorney-in-fact for a  
15 principal; or

16 (4) an authorized representative of another  
17 in any other capacity;

18 F. "notarial act" means an act, whether performed  
19 with respect to a tangible or electronic record, that a  
20 notarial officer may perform under the law of this state.

21 The term includes taking an acknowledgment, administering an  
22 oath or affirmation, taking a verification on oath or  
23 affirmation, witnessing or attesting a signature, certifying  
24 or attesting a copy and noting a protest of a negotiable  
25 instrument;

1           G. "notarial officer" means a notary public or  
2 other individual authorized to perform a notarial act;

3           H. "notary public" means an individual  
4 commissioned to perform a notarial act by the secretary of  
5 state;

6           I. "official stamp" means a physical image affixed  
7 to or embossed on a tangible record or an electronic image  
8 attached to or logically associated with an electronic record  
9 and includes an official notary seal;

10          J. "person" also includes a statutory trust,  
11 public corporation, government or governmental subdivision,  
12 agency or instrumentality;

13          K. "record" means information that is inscribed on  
14 a tangible medium or that is stored in an electronic or other  
15 medium and is retrievable in perceivable form;

16          L. "sign" or "subscribe", when used with present  
17 intent to authenticate or adopt a record, means to:

18               (1) execute or adopt a tangible symbol; or

19               (2) attach to or logically associate with  
20 the record an electronic symbol, sound or process;

21          M. "signature" means a tangible symbol or an  
22 electronic signature that evidences the signing of a record;

23          N. "stamping device" means:

24               (1) a physical device capable of affixing to  
25 or embossing on a tangible record an official stamp; or

1                   (2) an electronic device or process capable  
2 of attaching to or logically associating with an electronic  
3 record an official stamp; and

4                   O. "verification on oath or affirmation" means a  
5 declaration, made by an individual on oath or affirmation  
6 before a notarial officer, that a statement in a record is  
7 true.

8                   SECTION 3. AUTHORITY TO PERFORM NOTARIAL ACT.--

9                   A. A notary public or notarial officer shall  
10 perform all notarial acts pursuant to the Revised Uniform Law  
11 on Notarial Acts or by law of this state other than the  
12 Revised Uniform Law on Notarial Acts.

13                   B. A notarial officer shall not perform a notarial  
14 act with respect to a record to which the officer or the  
15 officer's spouse or domestic partner is a party or in which  
16 either of them has a direct beneficial interest. A notarial  
17 act performed in violation of this subsection is voidable.

18                   C. A notarial officer may certify that a tangible  
19 copy of an electronic record is an accurate copy of the  
20 electronic record.

21                   SECTION 4. REQUIREMENTS FOR CERTAIN NOTARIAL ACTS.--

22                   A. A notarial officer who takes an acknowledgment  
23 of a record shall determine, from personal knowledge or  
24 satisfactory evidence of the identity of the individual, that  
25 the individual appearing before the officer and making the

1 acknowledgment has the identity claimed and that the  
2 signature on the record is the signature of the individual.

3 B. A notarial officer who takes a verification of  
4 a statement on oath or affirmation shall determine, from  
5 personal knowledge or satisfactory evidence of the identity  
6 of the individual, that the individual appearing before the  
7 officer and making the verification has the identity claimed  
8 and that the signature on the statement verified is the  
9 signature of the individual.

10 C. A notarial officer who witnesses or attests to  
11 a signature shall determine, from personal knowledge or  
12 satisfactory evidence of the identity of the individual, that  
13 the individual appearing before the officer and signing the  
14 record has the identity claimed.

15 D. A notarial officer who certifies or attests a  
16 copy of a record or an item that was copied shall determine  
17 that the copy is a full, true and accurate transcription or  
18 reproduction of the record or item.

19 E. A notarial officer who makes or notes a protest  
20 of a negotiable instrument shall determine the matters set  
21 forth in Subsection B of Section 55-3-505 NMSA 1978.

22 SECTION 5. PERSONAL APPEARANCE REQUIRED--EXCEPTION  
23 AUTHORIZED FOR REMOTE NOTARIZATIONS.--

24 A. If a notarial act relates to a statement made  
25 in or a signature executed on a record, the individual making

1 the statement or executing the signature shall appear  
2 personally before the notarial officer.

3 B. A remotely located individual may comply with  
4 this section or with any other requirement of the laws of  
5 this state that state that a person appear before a notarial  
6 officer at the time of a notarial act by using communication  
7 technology to appear before a notary public or notarial  
8 officer.

9 C. A notary public or notarial officer located in  
10 this state may perform a notarial act using communication  
11 technology for a remotely located individual if:

12 (1) the notary public:

13 (a) has personal knowledge of the  
14 identity of the individual pursuant to Subsection A of  
15 Section 6 of the Revised Uniform Law on Notarial Acts;

16 (b) has satisfactory evidence of the  
17 identity of the remotely located individual by oath or  
18 affirmation from a credible witness appearing before the  
19 notary public pursuant to Subsection B of Section 6 of the  
20 Revised Uniform Law on Notarial Acts or this section; or

21 (c) has obtained satisfactory evidence  
22 of the identity of the remotely located individual by using  
23 at least two different types of identity proofing;

24 (2) the notary public is able to reasonably  
25 confirm that a record before the notary public is the same

1 record in which the remotely located individual made a  
2 statement or on which the individual executed a signature;

3 (3) the notary public, or a person acting on  
4 behalf of the notary public, creates an audiovisual recording  
5 of the performance of the notarial act; and

6 (4) for a remotely located individual  
7 located outside the United States:

8 (a) the record: 1) is to be filed with  
9 or relates to a matter before a public official or court,  
10 governmental entity or other entity subject to the  
11 jurisdiction of the United States; or 2) involves property  
12 located in the territorial jurisdiction of the United States  
13 or involves a transaction substantially connected with the  
14 United States; and

15 (b) the act of making the statement or  
16 signing the record is not prohibited by the foreign state in  
17 which the remotely located individual is located.

18 D. If a notarial act is performed pursuant to this  
19 section, the certificate of notarial act required by  
20 Section 15 of the Revised Uniform Law on Notarial Acts and  
21 the short-form certificate provided in Section 15 of the  
22 Revised Uniform Law on Notarial Acts shall indicate that the  
23 notarial act was performed using communication technology.

24 E. A short-form certificate provided pursuant to  
25 Section 15 of the Revised Uniform Law on Notarial Acts for a

1 notarial act subject to this section is sufficient if it:

2 (1) complies with rules adopted under  
3 Paragraph (1) of Subsection H of this section; or

4 (2) is in the form provided in Section 15 of  
5 the Revised Uniform Law on Notarial Acts and contains a  
6 statement substantially as follows: "This notarial act  
7 involved the use of communication technology."

8 F. A notary public, a guardian, a conservator or  
9 an agent of a notary public or a personal representative of a  
10 deceased notary public shall retain the audiovisual recording  
11 created pursuant to Paragraph (3) of Subsection C of this  
12 section or cause the recording to be retained by a repository  
13 designated by or on behalf of the person required to retain  
14 the recording. Unless a different period is required by rule  
15 adopted pursuant to Paragraph (4) of Subsection H of this  
16 section, the recording must be retained for a period of at  
17 least ten years after the recording is made.

18 G. Before a notarial officer performs the notarial  
19 officer's initial notarial act with a remotely located  
20 individual under this section, the notarial officer shall  
21 notify the secretary of state that the notarial officer will  
22 be performing notarial acts with respect to remotely located  
23 individuals and identify the technologies the notarial  
24 officer intends to use. If the secretary of state has  
25 established standards pursuant to Subsection H of this



1 section and Section 26 of the Revised Uniform Law on Notarial  
2 Acts for approval of communication technology or identity  
3 proofing, the communication technology and identity proofing  
4 shall conform to the standards.

5 H. In addition to adopting rules pursuant to  
6 Section 26 of the Revised Uniform Law on Notarial Acts, the  
7 secretary of state may adopt rules under this section  
8 regarding performance of a notarial act. The rules may:

9 (1) prescribe the means of performing a  
10 notarial act involving a remotely located individual using  
11 communication technology;

12 (2) establish standards for communication  
13 technology and identity proofing;

14 (3) establish requirements or procedures to  
15 approve providers of communication technology and the process  
16 of identity proofing; and

17 (4) establish standards and a period for the  
18 retention of an audiovisual recording created pursuant to  
19 Paragraph (3) of Subsection C of this section.

20 I. Before adopting, amending or repealing a rule  
21 governing performance of a notarial act with respect to a  
22 remotely located individual, the secretary of state shall  
23 consider:

24 (1) the most recent standards regarding the  
25 performance of a notarial act with respect to a remotely

1 located individual promulgated by national standard-setting  
2 organizations and the recommendations of the national  
3 association of secretaries of state;

4 (2) standards, practices and customs of  
5 other jurisdictions that have laws substantially similar to  
6 this section; and

7 (3) input from governmental officials and  
8 entities and other interested persons.

9 J. By allowing its communication technology or  
10 identity proofing to facilitate a notarial act for a remotely  
11 located individual or by providing storage of the audiovisual  
12 recording created pursuant to Paragraph (3) of Subsection C  
13 of this section, the provider of the communication  
14 technology, identity proofing or storage appoints the  
15 secretary of state as the provider's agent for service of  
16 process in a civil action in this state related to the  
17 notarial act.

18 K. As used in this section:

19 (1) "communication technology" means an  
20 electronic device or process that:

21 (a) allows a notarial officer and a  
22 remotely located individual to communicate with each other  
23 simultaneously by sight and sound; and

24 (b) when necessary and consistent with  
25 other applicable law, facilitates communication with a

1 remotely located individual who has a vision, hearing or  
2 speech impairment;

3 (2) "identity proofing" means a process or  
4 service by which a third person provides a notarial officer  
5 with the means to verify the identity of a remotely located  
6 individual by a review of personal information from public or  
7 private data sources;

8 (3) "outside the United States" means a  
9 location outside the geographic boundaries of the  
10 United States, Puerto Rico, the United States Virgin Islands  
11 and any territory, insular possession or other location  
12 subject to the jurisdiction of the United States; and

13 (4) "remotely located individual" means an  
14 individual who is not in the physical presence of the  
15 notarial officer who performs a notarial act under Subsection  
16 C of this section.

17 SECTION 6. IDENTIFICATION OF INDIVIDUAL.--

18 A. A notarial officer has personal knowledge of  
19 the identity of an individual appearing before the officer if  
20 the individual is personally known to the officer through  
21 dealings sufficient to provide reasonable certainty that  
22 individual has the identity claimed.

23 B. A notarial officer has satisfactory evidence of  
24 the identity of an individual appearing before the officer if  
25 the officer can identify the individual:

1 (1) by means of:

2 (a) a passport, driver's license or  
3 government-issued nondriver identification card, which is  
4 current or expired not more than one year before performance  
5 of the notarial act; or

6 (b) another form of government  
7 identification issued to an individual, which is current or  
8 expired not more than one year before performance of the  
9 notarial act, contains the signature or a photograph of the  
10 individual and is satisfactory to the officer; or

11 (2) by a verification on oath or affirmation  
12 of a credible witness personally appearing before the  
13 officer, who is unrelated to and unaffected by the document  
14 or transaction, and known to the officer and whom the officer  
15 can identify on the basis of a passport, driver's license or  
16 government-issued nondriver identification card, which is  
17 current or expired not more than one year before performance  
18 of the notarial act.

19 C. A notarial officer may require an individual to  
20 provide additional information or identification credentials  
21 necessary to assure the officer of the identity of the  
22 individual.

23 SECTION 7. AUTHORITY TO REFUSE TO PERFORM NOTARIAL  
24 ACTS.--

25 A. A notarial officer may refuse to perform a

1 notarial act if the officer is not satisfied that:

2 (1) the individual executing the record is  
3 competent or has the capacity to execute the record; or

4 (2) the individual's signature is knowingly  
5 and voluntarily made.

6 B. A notarial officer may refuse to perform a  
7 notarial act unless refusal is prohibited by a state or  
8 federal law other than the Revised Uniform Law on Notarial  
9 Acts.

10 C. In accordance with the Human Rights Act, a  
11 notary public or notarial officer shall not discriminate in  
12 the performance of a notarial act pursuant to the Revised  
13 Uniform Law on Notarial Acts.

14 SECTION 8. SIGNATURE IF INDIVIDUAL IS UNABLE TO  
15 SIGN.--If an individual is physically unable to sign a  
16 record, the individual may direct an individual other than  
17 the notarial officer to sign the individual's name on the  
18 record. The notarial officer shall insert "Signature affixed  
19 by (name of other individual) at the direction of (name of  
20 individual)" or words of similar import.

21 SECTION 9. NOTARIAL ACTS IN THIS STATE.--

22 A. A notarial act may be performed in this state  
23 by:

24 (1) a notary public of this state;

25 (2) a judge of a court of this state;

1                   (3) a court clerk or deputy court clerk of  
2 this state while performing a notarial act within the scope  
3 of a court clerk's or deputy court clerk's duties;

4                   (4) a county clerk or deputy county clerk  
5 while performing a notarial act within the scope of the  
6 county clerk's or deputy county clerk's duties;

7                   (5) an individual licensed to practice law  
8 in this state; or

9                   (6) any other individual authorized to  
10 perform a specific notarial act by the law of this state  
11 other than the Revised Uniform Law on Notarial Acts.

12                   B. The signature and title of an individual  
13 performing a notarial act in this state are prima facie  
14 evidence that the signature is genuine and that the  
15 individual holds the designated title.

16                   C. The signature and title of a notarial officer  
17 described in Subsection A of this section conclusively  
18 establish the authority of the officer to perform the  
19 notarial act. An official stamp is required if the laws of  
20 this state require an official stamp.

21                   SECTION 10. NOTARIAL ACT IN ANOTHER STATE.--

22                   A. A notarial act performed in another state has  
23 the same effect under the law of this state as if performed  
24 by a notarial officer of this state, if the act performed in  
25 that state is performed by a notarial officer or other

1 individual authorized by the law of that state to perform the  
2 notarial act.

3 B. The signature and title of an individual  
4 performing a notarial act in another state are prima facie  
5 evidence that the signature is genuine and that the  
6 individual holds the designated title.

7 C. The signature and title of a notarial officer  
8 described in Subsection A of this section conclusively  
9 establish the authority of the officer to perform the  
10 notarial act. An official stamp is required if the laws of  
11 this state require an official stamp.

12 SECTION 11. NOTARIAL ACT UNDER THE AUTHORITY OF A  
13 FEDERALLY RECOGNIZED INDIAN TRIBE.--

14 A. A notarial act performed under the authority  
15 and in the jurisdiction of a federally recognized Indian  
16 tribe has the same effect as if performed by a notarial  
17 officer of this state, if the act performed in the  
18 jurisdiction of the tribe is performed by a notarial officer  
19 or other individual authorized by the law of the tribe to  
20 perform the notarial act.

21 B. The signature and title of an individual  
22 performing a notarial act under the authority of and in the  
23 jurisdiction of a federally recognized Indian tribe are prima  
24 facie evidence that the signature is genuine and that the  
25 individual holds the designated title.

1           C. The signature and title of a notarial officer  
2 described in Subsection A of this section conclusively  
3 establish the authority of the officer to perform the  
4 notarial act. An official stamp is required if the laws of  
5 the tribe require an official stamp.

6           SECTION 12. NOTARIAL ACT UNDER FEDERAL AUTHORITY.--

7           A. A notarial act performed under federal law has  
8 the same effect under the law of this state as if performed  
9 by a notarial officer of this state, if the act performed  
10 under federal law is performed by:

11                   (1) a judge;

12                   (2) a court clerk or deputy court clerk;

13                   (3) an individual in military service or  
14 performing duties under the authority of military service who  
15 is authorized to perform notarial acts under federal law;

16                   (4) an individual designated a notarizing  
17 officer by the United States department of state for  
18 performing notarial acts overseas; or

19                   (5) any other individual authorized by  
20 federal law to perform the notarial act.

21           B. The signature and title of an individual acting  
22 under federal authority and performing a notarial act are  
23 prima facie evidence that the signature is genuine and that  
24 the individual holds the designated title.

25           C. The signature and title of an officer described SJC/SB 12  
Page 16



1 in Subsection A of this section conclusively establish the  
2 authority of the officer to perform the notarial act.

3 SECTION 13. FOREIGN NOTARIAL ACTS.--

4 A. If a notarial act is performed under authority  
5 and in the jurisdiction of a foreign state or constituent  
6 unit of the foreign state or is performed under the authority  
7 of a multinational or international governmental  
8 organization, the act has the same effect under the law of  
9 this state as if performed by a notarial officer of this  
10 state.

11 B. If the title of office and indication of  
12 authority to perform notarial acts in a foreign state appears  
13 in a digest of foreign law or in a list customarily used as a  
14 source for that information, the authority of an officer with  
15 that title to perform notarial acts is conclusively  
16 established.

17 C. The signature and official stamp of an  
18 individual holding an office described in Subsection B of  
19 this section are prima facie evidence that the signature is  
20 genuine and the individual holds the designated title.

21 D. An apostille in the form prescribed by the  
22 Hague Convention of October 5, 1961 and issued by a foreign  
23 state party to the Hague Convention of October 5, 1961  
24 conclusively establishes that the signature of the notarial  
25 officer is genuine and that the officer holds the indicated

1 office.

2 E. A consular authentication issued by an  
3 individual designated by the United States department of  
4 state as a notarizing officer for performing notarial acts  
5 overseas and attached to the record with respect to which the  
6 notarial act is performed conclusively establishes that the  
7 signature of the notarial officer is genuine and that the  
8 officer holds the indicated office.

9 SECTION 14. CERTIFICATE OF NOTARIAL ACT.--

10 A. A notarial act shall be evidenced by a  
11 certificate. The certificate shall:

12 (1) be executed contemporaneously with the  
13 performance of the notarial act;

14 (2) be signed and dated by the notarial  
15 officer and, if the notarial officer is a notary public, be  
16 signed in the same manner as on file with the secretary of  
17 state;

18 (3) identify the jurisdiction in which the  
19 notarial act is performed;

20 (4) contain the title of office of the  
21 notarial officer;

22 (5) if the notarial officer is a notary  
23 public, indicate the notary public's commission number and  
24 the date of expiration of the notarial officer's commission;

25 (6) identify the judicial district or area

1 served if the notarial officer is a judge, court clerk or  
2 deputy court clerk;

3 (7) identify the county served if the  
4 notarial officer is a county clerk or deputy county clerk;  
5 and

6 (8) identify the state bar number if the  
7 notarial officer is an attorney but is not in a category  
8 identified in Paragraph (6) or (7) of this subsection and is  
9 not a judge.

10 B. If a notarial act regarding a tangible record  
11 is performed by a notary public, an official stamp shall be  
12 affixed to or embossed on the certificate. If a notarial act  
13 is performed regarding a tangible record by a notarial  
14 officer other than a notary public and the certificate  
15 contains the information specified in Paragraphs (2), (3),  
16 (4), (5), (6) and (7) of Subsection A of this section, an  
17 official stamp shall be affixed to or embossed on the  
18 certificate. If a notarial act regarding an electronic  
19 record is performed by a notarial officer and the certificate  
20 contains the information specified in Paragraphs (2), (3),  
21 (4), (5), (6) and (7) of Subsection A of this section, an  
22 official stamp shall be attached to or logically associated  
23 with the certificate.

24 C. A certificate of a notarial act is sufficient  
25 if it meets the requirements of Subsections A and B of this

1 section and:

2 (1) is in a short-form set forth in Section  
3 15 of the Revised Uniform Law on Notarial Acts;

4 (2) is in a form otherwise permitted by the  
5 law of this state;

6 (3) is in a form permitted by the law  
7 applicable in the jurisdiction in which the notarial act was  
8 performed; or

9 (4) sets forth the actions of the notarial  
10 officer, and the actions are sufficient to meet the  
11 requirements of the notarial act as provided in Sections 4, 5  
12 and 6 of the Revised Uniform Law on Notarial Acts or law of  
13 this state other than the Revised Uniform Law on Notarial  
14 Acts.

15 D. By executing a certificate of a notarial act, a  
16 notarial officer certifies that the officer has complied with  
17 the requirements and made the determinations specified in  
18 Sections 4, 5 and 6 of the Revised Uniform Law on Notarial  
19 Acts.

20 E. A notarial officer shall not affix the  
21 officer's signature to, or logically associate it with, a  
22 certificate until after the notarial act has been performed.

23 F. If a notarial act is performed regarding a  
24 tangible record, a certificate shall be part of, or securely  
25 attached to, the record. If a notarial act is performed

1 regarding an electronic record, the certificate shall be  
2 affixed to, or logically associated with, the electronic  
3 record. If the secretary of state has established standards  
4 pursuant to Section 26 of the Revised Uniform Law on Notarial  
5 Acts for attaching, affixing or logically associating the  
6 certificate, the process shall conform to the standards.

7 SECTION 15. SHORT-FORM CERTIFICATES.--The following  
8 short-form certificates of notarial acts are sufficient for  
9 the purposes indicated, if completed with the information  
10 required by Subsections A and B of Section 14 of the Revised  
11 Uniform Law on Notarial Acts:

12 A. for an acknowledgment in an individual  
13 capacity:

14 State of \_\_\_\_\_

15 [County] of \_\_\_\_\_

16 This record was acknowledged before me on \_\_\_\_\_  
17 Date

18 by \_\_\_\_\_.

19 Name(s) of individual(s)  
20 \_\_\_\_\_

21 Signature of notarial officer

22 Stamp

23 [\_\_\_\_\_]

24 Title of office

25 [New Mexico state bar identification number, judicial

1 district or area, county or notary public commission number  
2 and date of commission expiration: \_\_\_\_\_];

3 B. for an acknowledgment in a representative  
4 capacity:

5 State of \_\_\_\_\_

6 [County] of \_\_\_\_\_

7 This record was acknowledged before me on \_\_\_\_\_ by  
8 Date

9 \_\_\_\_\_

10 Name(s) of individual(s)

11 as (type of authority, such as officer or trustee) of (name  
12 of party on behalf of whom record was executed).

13 \_\_\_\_\_

14 Signature of notarial officer

15 Stamp

16 [\_\_\_\_\_]

17 Title of office

18 [New Mexico state bar identification number, judicial  
19 district or area, county served or notary public commission  
20 number and date of commission expiration: \_\_\_\_\_];

21 C. for a verification on oath or affirmation:

22 State of \_\_\_\_\_

23 [County] of \_\_\_\_\_

24 Signed and sworn to (or affirmed) before me on \_\_\_\_\_

25 Date

1 by \_\_\_\_\_.

2 Name(s) of individual(s)

3 making statement

4 \_\_\_\_\_

5 Signature of notarial officer

6 Stamp

7 [\_\_\_\_\_]

8 Title of office

9 [New Mexico state bar identification number, judicial district  
10 or area, county served or notary public commission number and  
11 date of commission expiration: \_\_\_\_\_];

12 D. for witnessing or attesting a signature:

13 State of \_\_\_\_\_

14 [County] of \_\_\_\_\_

15 Signed (or attested) before me on \_\_\_\_\_ by

16 Date

17 \_\_\_\_\_.

18 Name(s) of individual(s)

19 \_\_\_\_\_

20 Signature of notarial officer

21 Stamp

22 [\_\_\_\_\_]

23 Title of office

24 [New Mexico state bar identification number, judicial district  
25 or area, county served or notary public commission number and

1 date of commission expiration: \_\_\_\_\_]; and

2 E. for certifying a copy of a record:

3 State of \_\_\_\_\_

4 [County] of \_\_\_\_\_

5 I certify that this is a true and correct copy of a record in  
6 the possession of \_\_\_\_\_.

7 Dated \_\_\_\_\_

8 \_\_\_\_\_

9 Signature of notarial officer

10 Stamp

11 [\_\_\_\_\_]

12 Title of office

13 [New Mexico state bar identification number, judicial district  
14 or area, county served or notary public commission number and  
15 date of commission expiration: \_\_\_\_\_].

16 SECTION 16. OFFICIAL STAMP.--The official stamp of a  
17 notarial officer shall:

18 A. include the notarial officer's name,  
19 jurisdiction and New Mexico state bar identification number if  
20 the notary public is licensed to practice law in this state,  
21 judicial district or area served if the notarial officer is a  
22 judge, court clerk or deputy court clerk, county if the  
23 notarial officer is a county clerk or deputy county clerk or  
24 notary public commission number and date of commission  
25 expiration and other information required by the secretary of



1 state;

2 B. be capable of being copied together with the  
3 record to which it is affixed or attached or with which it is  
4 logically associated; and

5 C. be filed with the secretary of state before the  
6 notarial officer performs the notarial officer's initial  
7 notarial act.

8 SECTION 17. STAMPING DEVICE.--

9 A. A notary public is responsible for the security  
10 of the notary public's stamping device and may not allow  
11 another individual to use the device to perform a notarial  
12 act. On resignation from, or the revocation or expiration of,  
13 the notary public's commission, or on the expiration of the  
14 date set forth in the stamping device, if any, the notary  
15 public shall disable the stamping device by destroying,  
16 defacing, damaging, erasing or securing it against use in a  
17 manner that renders it unusable. On the death or adjudication  
18 of incompetency of a notary public, the notary public's  
19 personal representative or guardian or any other person  
20 knowingly in possession of the stamping device shall render it  
21 unusable by destroying, defacing, damaging, erasing or  
22 securing it against use in a manner that renders it unusable.

23 B. If a notary public's stamping device is lost or  
24 stolen, the notary public or the notary public's personal  
25 representative or guardian shall promptly notify the secretary

1 of state on discovering that the device is lost or stolen.

2 SECTION 18. JOURNAL.--

3 A. A notary public in this state shall maintain a  
4 journal in which the notary public chronicles all notarial  
5 acts that the notary public performs. The notary public shall  
6 retain the journal for ten years after the performance of the  
7 last notarial act chronicled in the journal.

8 B. A journal may be created on a tangible medium  
9 or in an electronic format. A notary public performing  
10 notarial acts pursuant to Subsection E of this section shall  
11 maintain only one journal at a time to chronicle all notarial  
12 acts, whether those notarial acts are performed regarding  
13 tangible or electronic records; provided that a notary public  
14 may keep a journal in a tangible medium for tangible records  
15 and an electronic journal for electronic records. If the  
16 journal is maintained on a tangible medium, it must be a  
17 permanent, bound register with numbered pages. If the journal  
18 is maintained in an electronic format, it must be in a  
19 permanent, tamper-evident electronic format complying with the  
20 rules of the secretary of state.

21 C. An entry in a journal must be made  
22 contemporaneously with performance of the notarial act and  
23 contain the following information:

24 (1) the date and time of the notarial act;

25 (2) a description of the record, if any, and

1 type of notarial act;

2 (3) the full name and address of each  
3 individual for whom the notarial act is performed;

4 (4) if identity of the individual is based on  
5 personal knowledge, a statement to that effect;

6 (5) if identity of the individual is based on  
7 satisfactory evidence, a brief description of the method of  
8 identification and the identification credential presented, if  
9 any, including the date of issuance and expiration of any  
10 identification credential; and

11 (6) the fee, if any, charged by the notary  
12 public.

13 D. If a notary public's journal is lost or stolen,  
14 the notary public shall promptly notify the secretary of state  
15 on discovering that the journal is lost or stolen.

16 E. Pursuant to the requirements provided in  
17 Subsections B and C of this section, a notarial officer  
18 licensed to practice law in this state shall maintain a  
19 journal when performing notarial acts for members of the  
20 public unrelated to an established attorney-client  
21 relationship.

22 F. On resignation from, or the revocation or  
23 suspension of, a notary public's commission, the notary public  
24 shall retain the notary public's journal in accordance with  
25 Subsection A of this section and inform the secretary of state

1 of where the journal is located.

2 G. Instead of retaining a journal as provided in  
3 Subsections A and F of this section, a current or former  
4 notary public may transmit the journal to the secretary of  
5 state, the state records officer or a repository approved by  
6 the secretary of state.

7 H. On the death or adjudication of incompetency of  
8 a current or former notary public, the notary public's  
9 personal representative or guardian or any other person  
10 knowingly in possession of the journal shall transmit the  
11 journal to the secretary of state, the state records officer  
12 or a repository approved by the secretary of state.

13 SECTION 19. NOTIFICATION REGARDING PERFORMANCE OF  
14 NOTARIAL ACT ON ELECTRONIC RECORD--SELECTION OF TECHNOLOGY.--

15 A. A notary public or notarial officer shall  
16 select one or more tamper-evident technologies to perform  
17 notarial acts with respect to electronic records. A person  
18 may not require a notary public or notarial officer to perform  
19 a notarial act with respect to an electronic record with a  
20 technology that the notary public has not selected.

21 B. Before performing the notary public's or  
22 notarial officer's initial notarial act with respect to an  
23 electronic record, a notary public or notarial officer shall  
24 notify the secretary of state that the notary public will be  
25 performing notarial acts with respect to electronic records

1 and identify the technology the notary public intends to use.  
2 If the secretary of state has established standards for  
3 approval of technology pursuant to Section 26 of the Revised  
4 Uniform Law on Notarial Acts, the technology must conform to  
5 the standards. If the technology conforms to those standards,  
6 the secretary of state shall approve the use of the  
7 technology.

8 SECTION 20. COMMISSION AS NOTARY PUBLIC  
9 QUALIFICATIONS--NO IMMUNITY OR BENEFIT.--

10 A. An individual may apply to the secretary of  
11 state for a commission as a notary public. The applicant  
12 shall comply with and provide the information required by  
13 rules established by the secretary of state and pay any  
14 application fee.

15 B. To qualify for the commission as a notary  
16 public, an applicant shall:

- 17 (1) be at least eighteen years of age;
- 18 (2) be a citizen or permanent legal resident  
19 of the United States;
- 20 (3) be a resident of or have a place of  
21 employment in this state;
- 22 (4) be able to read and write English;
- 23 (5) not be disqualified to receive a  
24 commission under Section 22 of the Revised Uniform Law on  
25 Notarial Acts;

1                   (6) have passed the examination required  
2 pursuant to Subsection A of Section 21 of the Revised Uniform  
3 Law on Notarial Acts; and

4                   (7) not otherwise be qualified as a notarial  
5 officer; provided that an individual who is employed as a  
6 court clerk, deputy court clerk, county clerk or deputy county  
7 clerk may also be commissioned as a notary public.

8                   C. Before issuance of a commission as a notary  
9 public, an applicant for the commission shall execute an oath  
10 of office pursuant to the laws of this state and submit it to  
11 the secretary of state.

12                   D. Before issuance of a commission as a notary  
13 public, the notary public or applicant for a commission shall  
14 submit to the secretary of state an assurance in the form of a  
15 surety bond or its functional equivalent in the amount of ten  
16 thousand dollars (\$10,000). The assurance must be issued by a  
17 surety or other entity licensed or authorized to do business  
18 in this state. The assurance must cover acts performed during  
19 the term of the notary public's commission and must be in the  
20 form prescribed by the secretary of state. If a notary public  
21 violates law with respect to notaries public in this state,  
22 the surety or issuing entity is liable under the assurance.  
23 The surety or issuing entity shall give thirty days notice to  
24 the secretary of state before canceling the assurance. The  
25 surety or issuing entity shall notify the secretary of state

1 not later than thirty days after making a payment to a  
2 claimant under the assurance. A notary public may perform  
3 notarial acts in this state only during the period that a  
4 valid assurance is on file with the secretary of state.

5 E. On compliance with this section, the secretary  
6 of state shall issue a commission as a notary public to an  
7 applicant for a term of four years.

8 F. A commission to act as a notary public  
9 authorizes the notary public to perform notarial acts. The  
10 commission does not provide the notary public any immunity or  
11 benefit conferred by law of this state on public officials or  
12 employees.

13 G. At least thirty days before expiration of each  
14 notary public's commission, the secretary of state shall mail  
15 a notice of expiration to the notary public's mailing address  
16 of record. A notary public may be reappointed upon making an  
17 application in the same manner as required for an original  
18 application.

19 SECTION 21. EXAMINATION OF NOTARY PUBLIC AND NOTARIAL  
20 OFFICERS--CONTINUING LEGAL EDUCATION REQUIREMENTS.--

21 A. An applicant for a commission as a notary  
22 public who does not hold a commission in this state is  
23 required to pass an examination administered by the secretary  
24 of state or an entity approved by the secretary of state. The  
25 examination will be based on the course of study described in

1 Subsection B of this section.

2 B. The secretary of state or an entity approved by  
3 the secretary of state shall offer regularly a course of study  
4 to applicants who do not hold commissions as notaries public  
5 in this state. The course must cover the laws, rules,  
6 procedures and ethics relevant to notarial acts.

7 C. A notarial officer authorized to practice law  
8 in this state may obtain one unit of continuing legal  
9 education credit, pursuant to rules established by the board  
10 of bar commissioners of the state of New Mexico, for  
11 participating in continuing legal education related to  
12 performing the notarial acts.

13 SECTION 22. GROUNDS TO DENY, REFUSE TO RENEW, REVOKE,  
14 SUSPEND OR CONDITION COMMISSION OF NOTARY PUBLIC.--

15 A. The state ethics commission may deny, refuse to  
16 renew, revoke, suspend or impose a condition on a commission  
17 as notary public for any act or omission that demonstrates  
18 that the individual lacks the honesty, integrity, competence  
19 or reliability to act as a notary public, including:

20 (1) failure to comply with the Revised  
21 Uniform Law on Notarial Acts;

22 (2) a fraudulent, dishonest or deceitful  
23 misstatement or omission in the application for a commission  
24 as a notary public submitted to the state ethics commission;

25 (3) a conviction of the applicant or notary



1 public of any felony or a crime involving fraud, dishonesty or  
2 deceit during the term of the notary public's commission or  
3 during the five years immediately preceding such term;

4 (4) a finding against, or admission of  
5 liability by, the applicant or notary public in any legal  
6 proceeding or disciplinary action based on the applicant's or  
7 notary public's fraud, dishonesty or deceit;

8 (5) failure by the notary public to discharge  
9 any duty required of a notary public, whether by the  
10 provisions of the Revised Uniform Law on Notarial Acts, rules  
11 of the secretary of state or any federal or state law;

12 (6) use of false or misleading advertising or  
13 representation by the notary public representing that the  
14 notary has a duty, right or privilege that the notary does not  
15 have;

16 (7) violation by the notary public of a rule  
17 of the secretary of state regarding a notary public;

18 (8) denial, refusal to renew, revocation,  
19 suspension or conditioning of a notary public commission in  
20 another state;

21 (9) failure of the notary public to maintain  
22 an assurance as provided in Subsection D of Section 20 of the  
23 Revised Uniform Law on Notarial Acts; or

24 (10) if the individual ceases to be a  
25 resident of this state or ceases to be employed in this state.

1           B. The secretary of state may deny or refuse to  
2 renew an applicant upon notice from the state ethics  
3 commission of adverse action upon a notary public.

4           C. The authority of the state ethics commission to  
5 deny, refuse to renew, suspend, revoke or impose conditions on  
6 a commission as a notary public does not prevent a person from  
7 seeking and obtaining other criminal or civil remedies  
8 provided by law.

9           SECTION 23. DATABASE OF NOTARIES PUBLIC.--The secretary  
10 of state shall maintain an electronic database of notaries  
11 public providing the following:

12           A. information and a means through which a person  
13 may verify the authority of a notary public to perform  
14 notarial acts; and

15           B. indication of whether a notary public has  
16 notified the secretary of state that the notary public will be  
17 performing notarial acts on electronic records.

18           SECTION 24. PROHIBITED ACTS.--

19           A. A commission as a notary public does not  
20 authorize an individual to:

21                   (1) assist persons in drafting legal records,  
22 give legal advice or otherwise practice law;

23                   (2) act as an immigration consultant or an  
24 expert on immigration matters;

25                   (3) represent a person in a judicial or

1 administrative proceeding relating to immigration to the  
2 United States, United States citizenship or related matters;  
3 or

4 (4) receive compensation for performing any  
5 of the activities listed in this subsection.

6 B. A notary public shall not engage in false or  
7 deceptive advertising.

8 C. A notary public, other than an attorney  
9 licensed to practice law in this state, shall not use the term  
10 "notario" or "notario publico".

11 D. A notary public shall not advertise or  
12 represent that the notary public may assist persons in  
13 drafting legal records, give legal advice or otherwise  
14 practice law. If a notary public who is not an attorney  
15 licensed to practice law in this state in any manner  
16 advertises or represents that the notary public offers  
17 notarial services, whether orally or in a record, including  
18 broadcast media, print media and the internet, the notary  
19 public shall include the following statement or an alternate  
20 statement authorized or required by the secretary of state, in  
21 the advertisement or representation, prominently and in each  
22 language used in the advertisement or representation: "I am  
23 not an attorney licensed to practice law in this state. I am  
24 not allowed to draft legal records, give advice on legal  
25 matters, including immigration, or charge a fee for those

1 activities.". If the form of advertisement or representation  
2 is not broadcast media, print media or the internet and does  
3 not permit inclusion of the statement required by this  
4 subsection because of size, the statement shall be displayed  
5 prominently or provided at the place of performance of the  
6 notarial act before the notarial act is performed.

7 E. Except as otherwise allowed by law, a notary  
8 public shall not withhold access to or possession of an  
9 original record provided by a person that seeks performance of  
10 a notarial act by the notary public.

11 F. A notary public shall not:

12 (1) perform a notarial act on a blank or  
13 incomplete record;

14 (2) certify or authenticate a photograph;

15 (3) perform a notarial act with intent to  
16 deceive or defraud; or

17 (4) use the title of notary public or  
18 official stamp to endorse, promote, denounce or oppose any  
19 product, service, contest, candidate or other offering.

20 G. A notarial officer shall not:

21 (1) make or deliver a certificate of notarial  
22 act containing statements that the notarial officer knows to  
23 be false; or

24 (2) knowingly perform a notarial act for an  
25 individual who does not comply with Section 6 of the Revised

1 Uniform Law on Notarial Acts.

2 H. A notarial officer who violates any of the  
3 provisions of Subsections A through G of this section is  
4 guilty of a misdemeanor for each violation and upon conviction  
5 shall be punished by a fine not exceeding one thousand dollars  
6 (\$1,000) or by imprisonment for a period not exceeding six  
7 months, or both.

8 I. An individual who performs a purported notarial  
9 act with knowledge that the individual's commission as a  
10 notary public has expired or that the individual is otherwise  
11 disqualified from the office of notary public or as a notarial  
12 officer is guilty of a misdemeanor and upon conviction shall  
13 be punished by a fine of five hundred dollars (\$500) and shall  
14 be removed from office by the state ethics commission.

15 SECTION 25. VALIDITY OF NOTARIAL ACTS.--Except as  
16 otherwise provided in Subsection B of Section 3 of the Revised  
17 Uniform Law on Notarial Acts, the failure of a notarial  
18 officer to perform a duty or meet a requirement specified in  
19 the Revised Uniform Law on Notarial Acts does not invalidate a  
20 notarial act performed by the notarial officer. The validity  
21 of a notarial act under the Revised Uniform Law on Notarial  
22 Acts does not prevent an aggrieved person from seeking to  
23 invalidate the record or transaction that is the subject of  
24 the notarial act or from seeking other remedies based on law  
25 of this state other than the Revised Uniform Law on Notarial

1 Acts or law of the United States. This section does not  
2 validate a purported notarial act performed by an individual  
3 who does not have the authority to perform notarial acts.

4 SECTION 26. RULES.--

5 A. The secretary of state may adopt rules to  
6 implement the Revised Uniform Law on Notarial Acts. Rules  
7 adopted regarding the performance of notarial acts with  
8 respect to electronic records may not require, or accord  
9 greater legal status or effect to, the implementation or  
10 application of a specific technology or technical  
11 specification. The rules may:

12 (1) prescribe the manner of performing  
13 notarial acts regarding tangible and electronic records;

14 (2) include provisions to ensure that any  
15 change to or tampering with a record bearing a certificate of  
16 a notarial act is self-evident;

17 (3) include provisions to ensure integrity in  
18 the creation, transmittal, storage or authentication of  
19 electronic records or signatures;

20 (4) prescribe the process of granting,  
21 renewing, conditioning, denying, suspending or revoking a  
22 notary public commission and assuring the trustworthiness of  
23 an individual holding a commission as notary public;

24 (5) include provisions to prevent fraud or  
25 mistake in the performance of notarial acts;

1 (6) establish the process for approving and  
2 accepting surety bonds and other forms of assurance pursuant  
3 to Subsection D of Section 20 of the Revised Uniform Law on  
4 Notarial Acts;

5 (7) provide for the administration of the  
6 examination pursuant to Subsection A of Section 21 of the  
7 Revised Uniform Law on Notarial Acts and the course of study  
8 pursuant to Subsection B of Section 21 of the Revised Uniform  
9 Law on Notarial Acts; and

10 (8) provide for the administration of  
11 continuing legal education for notarial officers authorized to  
12 practice law in this state in collaboration with the board of  
13 bar commissioners of the state of New Mexico and pursuant to  
14 rules adopted by the board of bar commissioners of the state  
15 of New Mexico.

16 B. In adopting, amending or repealing rules about  
17 notarial acts with respect to electronic records, the  
18 secretary of state shall consider, so far as is consistent  
19 with the Revised Uniform Law on Notarial Acts:

20 (1) the most recent standards regarding  
21 electronic records promulgated by national bodies, such as the  
22 national association of secretaries of state;

23 (2) standards, practices and customs of other  
24 jurisdictions that substantially enact the Revised Uniform Law  
25 on Notarial Acts; and

1 (3) the views of governmental officials and  
2 entities and other interested persons.

3 SECTION 27. NOTARY PUBLIC COMMISSION IN EFFECT.--

4 A. A commission as a notary public in effect on  
5 the effective date of the Revised Uniform Law on Notarial Acts  
6 continues until its date of expiration.

7 B. A notarial officer authorized to practice law  
8 in this state is authorized to practice notarial acts with no  
9 expiration of this authority but shall maintain an active  
10 license to practice law.

11 C. A notary public not authorized to practice law  
12 in this state who applies to renew a commission as a notary  
13 public on or after the effective date of the Revised Uniform  
14 Law on Notarial Acts is subject to and shall comply with the  
15 Revised Uniform Law on Notarial Acts.

16 D. A notary public or notarial officer, in  
17 performing notarial acts after the effective date of the  
18 Revised Uniform Law on Notarial Acts, shall comply with the  
19 Revised Uniform Law on Notarial Acts.

20 SECTION 28. FEES.--

21 A. A notary public or notarial officer may charge  
22 the maximum fee specified in this section, charge less than  
23 the maximum fee or waive the fee.

24 B. An employer shall not establish fees for  
25 notarial services that are in excess of those specified in



1 this section nor on the attributes of the principal as  
2 delineated.

3 C. The maximum fees that may be charged by a  
4 notary public or notarial officer licensed to practice law for  
5 notarial acts are:

6 (1) for acknowledgments, five dollars (\$5.00)  
7 per acknowledgment;

8 (2) for oaths or affirmations without a  
9 signature, five dollars (\$5.00) per person;

10 (3) for jurats, five dollars (\$5.00) per  
11 jurat; and

12 (4) for copy certifications, fifty cents  
13 (\$.50) per page with a minimum total charge of five dollars  
14 (\$5.00).

15 D. A notary public or notarial officer may charge  
16 a travel fee when traveling to perform a notarial act if:

17 (1) the notary public and the person  
18 requesting the notarial act agree upon the travel fee in  
19 advance of the travel; and

20 (2) the notary public explains to the person  
21 requesting the notarial act that the travel fee is separate  
22 from the notarial fees and not mandated by law.

23 E. In addition to the fees prescribed in  
24 Subsections C and D of this section, a notary public may  
25 charge a technology fee not to exceed twenty-five dollars

1 (\$25.00) or other amount established by rule by the secretary  
2 of state per notarial act performed with respect to an  
3 electronic record.

4 SECTION 29. INSPECTION OF PUBLIC RECORDS ACT  
5 COMPLIANCE.--

6 A. Members of the public may request journal entry  
7 or audiovisual recordings related to a specified notarial act  
8 transaction pursuant to the Inspection of Public Records Act.

9 B. A request made pursuant to Subsection A of this  
10 section shall name the notarial act transaction with  
11 particularity, naming the document subject to the notarial act  
12 in the request for which the journal entry or audiovisual  
13 recording is sought.

14 C. No request for records relating to a notarial  
15 act that does not name the document subject to the notarial  
16 act shall be enforceable pursuant to the Inspection of Public  
17 Records Act.

18 SECTION 30. SAVING CLAUSE.--The Revised Uniform Law on  
19 Notarial Acts does not affect the validity or effect of a  
20 notarial act performed before the effective date of the  
21 Revised Uniform Law on Notarial Acts.

22 SECTION 31. UNIFORMITY OF APPLICATION AND  
23 CONSTRUCTION.--In applying and construing the Revised Uniform  
24 Law on Notarial Acts, consideration shall be given to the need  
25 to promote uniformity of the law with respect to its subject

1 matter among states that enact it.

2 SECTION 32. RELATION TO FEDERAL ELECTRONIC SIGNATURES IN  
3 GLOBAL AND NATIONAL COMMERCE ACT.--The Revised Uniform Law on  
4 Notarial Acts modifies, limits and supersedes the federal  
5 Electronic Signatures in Global and National Commerce Act, but  
6 does not modify, limit or supersede Section 101(c) of that  
7 act, 15 U.S.C. Section 7001(c), or authorize electronic  
8 delivery of any of the notices described in Section 103(b) of  
9 that act, 15 U.S.C. Section 7003(b).

10 SECTION 33. Section 10-16G-9 NMSA 1978 (being Laws 2019,  
11 Chapter 86, Section 9) is amended to read:

12 "10-16G-9. COMMISSION JURISDICTION--COMPLIANCE  
13 PROVISIONS.--

14 A. The commission has jurisdiction to enforce the  
15 applicable civil compliance provisions for public officials,  
16 public employees, candidates, persons subject to the Campaign  
17 Reporting Act, government contractors, lobbyists and  
18 lobbyists' employers of:

- 19 (1) the Campaign Reporting Act;
- 20 (2) the Financial Disclosure Act;
- 21 (3) the Gift Act;
- 22 (4) the Lobbyist Regulation Act;
- 23 (5) the Voter Action Act;
- 24 (6) the Governmental Conduct Act;
- 25 (7) the Procurement Code;

1 (8) the State Ethics Commission Act;  
2 (9) the Revised Uniform Law on Notarial Acts;  
3 and  
4 (10) Article 9, Section 14 of the  
5 constitution of New Mexico.

6 B. All complaints filed with a public agency  
7 regarding the statutes listed in Subsection A of this section  
8 shall be forwarded to the commission.

9 C. The commission may choose to act on some or all  
10 aspects of a complaint and forward other aspects of a  
11 complaint to another state or federal agency with jurisdiction  
12 over the matter in accordance with Subsection E of this  
13 section.

14 D. If the commission decides not to act on a  
15 complaint, whether the complaint was filed with the commission  
16 or forwarded from another public agency, or decides only to  
17 act on part of a complaint, the commission shall promptly  
18 forward the complaint, or any part of a complaint on which it  
19 does not wish to act, to the public agency that has  
20 appropriate jurisdiction within ten days of the decision. The  
21 complainant and respondent shall be notified in writing when  
22 the complainant's request has been forwarded to another agency  
23 unless otherwise provided pursuant to Subsection H of Section  
24 10-16G-10 NMSA 1978.

25 E. The commission may share jurisdiction with

1 other public agencies having authority to act on a complaint  
2 or any aspect of a complaint. Such shared jurisdiction shall  
3 be formalized through an agreement entered into by all  
4 participating agencies involved with the complaint and the  
5 director. The commission may also investigate a complaint  
6 referred to the commission by the legislature, or a  
7 legislative committee, in accordance with an agreement entered  
8 into pursuant to policies of the New Mexico legislative  
9 council or rules of the house of representatives or senate.

10 F. The commission may file a court action to  
11 enforce the civil compliance provisions of an act listed in  
12 Subsection A of this section. The court action shall be filed  
13 in the district court in the county where the respondent  
14 resides."

15 SECTION 34. Section 14-8-4 NMSA 1978 (being Laws 1901,  
16 Chapter 62, Section 18, as amended) is amended to read:

17 "14-8-4. ACKNOWLEDGMENT NECESSARY FOR RECORDING--  
18 EXCEPTIONS--RECORDING OF DUPLICATES.--

19 A. Any original instrument of writing duly  
20 acknowledged may be filed and recorded. Any instrument of  
21 writing not duly acknowledged may not be filed and recorded or  
22 considered of record, though so entered, unless otherwise  
23 provided in this section.

24 B. For purposes of this section, "acknowledged"  
25 means notarized by a person empowered to perform notarial acts

1 pursuant to the Revised Uniform Law on Notarial Acts.

2 C. The following documents need not be  
3 acknowledged but may be filed and recorded:

4 (1) court-certified copies of a court order,  
5 judgment or other judicial decree;

6 (2) court-certified transcripts of any money  
7 judgment obtained in a court of New Mexico or, pursuant to  
8 Section 14-9-9 NMSA 1978, in the United States district court  
9 for the district of New Mexico;

10 (3) land patents and land office receipts;

11 (4) notice of lis pendens filed pursuant to  
12 Section 38-1-14 NMSA 1978;

13 (5) provisional orders creating improvement  
14 districts pursuant to Section 4-55A-7 NMSA 1978;

15 (6) notices of levy on real estate under  
16 execution or writ of attachment when filed by a peace officer  
17 pursuant to Section 39-4-4 NMSA 1978;

18 (7) surveys of land that do not create a  
19 division of land but only show existing tracts of record when  
20 filed by a professional surveyor pursuant to Section  
21 61-23-28.2 NMSA 1978;

22 (8) certified copies of foreign wills,  
23 marriages or birth certificates duly authenticated; and

24 (9) instruments of writing in any manner  
25 affecting lands in the state filed pursuant to Section 14-9-7

1 NMSA 1978, when these instruments have been duly executed by  
2 an authorized public officer.

3 D. If an original instrument of writing is  
4 unavailable but, if it were available, could be filed and  
5 recorded in accordance with this section, a duplicate of that  
6 instrument shall be accepted for filing and recording if  
7 accompanied by an affidavit executed pursuant to this  
8 subsection. The affidavit shall:

9 (1) provide the name, telephone number and  
10 mailing address of the affiant;

11 (2) provide information regarding the  
12 execution of the instrument, consideration paid, delivery or  
13 other information establishing that the original instrument,  
14 if it were available, would be entitled to be recorded  
15 pursuant to Subsection A of this section;

16 (3) specify the reason the duplicate is filed  
17 and recorded in place of the original instrument;

18 (4) include a statement that the duplicate is  
19 a true and correct copy of the original instrument; and

20 (5) be acknowledged and made under oath  
21 confirming that the statements set forth in the affidavit are  
22 true and correct and of the personal knowledge of the affiant.

23 E. The filing of a duplicate instrument in  
24 accordance with Subsection D of this section shall not incur a  
25 fee in addition to the fee, if any, charged for filing an

1 original instrument. When the clerk records the instrument,  
2 the grantor and grantee shall be those of the duplicate  
3 instrument and the name of the affiant shall be indexed under  
4 miscellaneous information.

5 F. Any filing or recording permitted or required  
6 under the provisions of the Uniform Commercial Code need not  
7 comply with the requirements of this section.

8 G. Instruments acknowledged on behalf of a  
9 corporation need not have the corporation's seal affixed  
10 thereto in order to be filed and recorded."

11 SECTION 35. TEMPORARY PROVISION--REVISED UNIFORM LAWS ON  
12 NOTARIAL ACTS.--References in the New Mexico Statutes  
13 Annotated to the Notary Public Act or the Uniform Law on  
14 Notarial Acts shall be deemed to be references to the Revised  
15 Uniform Law on Notarial Acts.

16 SECTION 36. REPEAL.--Sections 14-12A-1 through 14-12A-26  
17 and 14-14-1 through 14-14-11 NMSA 1978 (being Laws 2003,  
18 Chapter 286, Sections 1 through 26 and Laws 1993, Chapter 281,  
19 Sections 1 through 11) are repealed.

20 SECTION 37. APPLICABILITY.--The provisions of this act  
21 apply to notarial acts performed in this state on and after  
22 January 1, 2022.

23 SECTION 38. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is January 1, 2022. \_\_\_\_\_