

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 246

3 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

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10 AN ACT

11 RELATING TO NOTARIAL ACTS; AMENDING THE REVISED UNIFORM LAW ON
12 NOTARIAL ACTS; DEFINING "AUTOMATIC NOTARIAL OFFICERS" AND
13 "JUDICIAL OFFICERS"; REDEFINING ROLES OF NOTARIAL OFFICERS AND
14 NOTARIES PUBLIC; AMENDING PERSONAL APPEARANCE REQUIREMENTS;
15 PROHIBITING ACTS OF DISCRIMINATION AS GROUNDS TO REFUSE TO
16 PERFORM NOTARIAL ACTS; PROVIDING FOR NOTARIAL ACTS TO BE
17 PERFORMED BY NOTARIAL OFFICERS AND OTHERS AUTHORIZED BY STATE
18 LAW; RECOGNIZING NOTARIAL ACTS PERFORMED BY AN INDIAN NATION,
19 TRIBE OR PUEBLO; REQUIRING AN OFFICIAL STAMP IN SPECIFIED
20 CIRCUMSTANCES; CLARIFYING OFFICIAL STAMP REQUIREMENTS;
21 PROVIDING REQUIREMENTS FOR A CERTIFICATE OF NOTARIAL ACTS;
22 AMENDING CONTINUING LEGAL EDUCATION CREDIT REQUIREMENTS; MAKING
23 TECHNICAL AND CONFORMING CHANGES; PROVIDING GROUNDS TO DENY,
24 REFUSE TO RENEW, REVOKE, SUSPEND OR CONDITION THE COMMISSION OF
25 A NOTARIAL OFFICER.

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

SECTION 1. Section 14-13-3 NMSA 1978 (being Laws 1882, Chapter 28, Section 1, as amended) is amended to read:

"14-13-3. OATHS--POWER TO ADMINISTER.--The secretary of state [~~of New Mexico~~], county clerks, court clerks [~~of probate courts, clerks of district courts, clerks of magistrate courts if the magistrate court has a seal, and all duly commissioned and acting notaries public~~] and all notarial officers are hereby authorized and empowered to administer oaths and affirmations [~~in all cases where magistrates and other officers~~] within the state [~~authorized to administer oaths may do so, under existing laws, and with like effect~~]."

SECTION 2. Section 14-14A-1 NMSA 1978 (being Laws 2021, Chapter 21, Section 1) is amended to read:

"14-14A-1. SHORT TITLE.--~~[Sections 1 through 32 of this act]~~ Chapter 14, Article 14A NMSA 1978 may be cited as the "Revised Uniform Law on Notarial Acts"."

SECTION 3. Section 14-14A-2 NMSA 1978 (being Laws 2021, Chapter 21, Section 2) is amended to read:

"14-14A-2. DEFINITIONS.--In addition to the general definitions provided in Section 12-2A-3 NMSA 1978 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

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1 individual before a notarial officer that:

2 (1) the individual has signed a record for the
3 purpose stated in the record; and

4 (2) if the record is signed in a
5 representative capacity, ~~that~~ the individual signed the
6 record with proper authority and signed it as the act of the
7 individual or entity identified in the record;

8 B. "automatic notarial officer" means any of the
9 following who has registered an official stamp with the
10 secretary of state:

11 (1) a judicial officer;

12 (2) the secretary of state or a full-time
13 staff member of the secretary of state's office while
14 performing a notarial act within the scope of the secretary of
15 state's or staff member's duties;

16 (3) a county clerk or deputy county clerk
17 while performing a notarial act within the scope of the county
18 clerk's or deputy county clerk's duties; and

19 (4) an individual who is a member of the state
20 bar of New Mexico and licensed to practice law;

21 ~~[B.]~~ C. "electronic" means relating to technology
22 having electrical, digital, magnetic, wireless, optical,
23 electromagnetic or similar capabilities;

24 ~~[C.]~~ D. "electronic signature" means an electronic
25 symbol, sound or process attached to or logically associated

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1 with a record and executed or adopted by an individual with the
2 intent to sign the record;

3 ~~[D.]~~ E. "foreign state" means a government other
4 than the United States, a state or a federally recognized
5 Indian tribe;

6 ~~[E.]~~ F. "in a representative capacity" means acting
7 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 representative,
12 guardian or other representative, in the capacity stated in a
13 record;

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

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

18 G. "judicial officer" means:

19 (1) a judge of a state court of this state;

20 (2) a special commissioner or hearing officer
21 appointed pursuant to supreme court rule and employed by a
22 state court;

23 (3) a special master appointed pursuant to
24 supreme court rule or state statute; and

25 (4) a court clerk or deputy court clerk of a

1 state court of this state;

2 H. "licensed to practice law" means a person who is
3 a member of the state bar of New Mexico and, based on such
4 membership, is authorized to practice law before the courts of
5 this state;

6 ~~[F.]~~ I. "notarial act" means an act, whether
7 performed with respect to a tangible or electronic record, that
8 a notarial officer may perform under the law of this state.
9 The term includes taking an acknowledgment, administering an
10 oath or affirmation, taking a verification on oath or
11 affirmation, witnessing or attesting a signature, certifying or
12 attesting a copy and noting a protest of a negotiable
13 instrument, but does not apply to any act that would otherwise
14 be a notarial act if:

15 (1) the act is performed by a judicial officer
16 within the scope of the judicial officer's duties; and

17 (2) the record is filed in the court of the
18 judicial officer;

19 ~~[G.]~~ J. "notarial officer" means [a notary public
20 or other individual authorized to perform a notarial act]:

21 (1) an automatic notarial officer; and

22 (2) a notary public;

23 ~~[H.]~~ K. "notary public" means an individual
24 commissioned [to perform a notarial act] by the secretary of
25 state to be a notary public and authorized by such commission

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1 to perform notarial acts pursuant to the Revised Uniform Law on
2 Notarial Acts;

3 L. "official notary seal" means the great seal of
4 the state or New Mexico, unless the secretary of state has
5 adopted a seal specific for use by notarial officers; provided
6 that as applied to automatic notarial officers, "official
7 notary seal" includes as an option:

8 (1) for judicial officers, the seal of the
9 court, if the supreme court has approved a seal for such court
10 and the seal has been filed with the secretary of state;

11 (2) for the secretary of state or a full-time
12 staff member of the secretary of state's office, the seal of
13 the secretary of state, if the secretary of state has approved
14 a seal and the seal has been filed with the secretary of state;

15 (3) for county clerks or deputy county clerks,
16 the seal of the county, if the board of county commissioners
17 has approved a seal for the county and the seal has been filed
18 with the secretary of state; and

19 (4) for a person who is licensed to practice
20 law and who is not performing a notarial act pursuant to
21 Paragraphs (1) through (3) of this subsection, a seal approved
22 by the state bar of New Mexico for such purpose and the seal
23 has been filed with the secretary of state;

24 ~~[F.]~~ M. "official stamp" means a physical image
25 affixed to or embossed on a tangible record or an electronic

1 image attached to or logically associated with an electronic
 2 record and includes an official notary seal;

3 [J.] N. "person" also includes a statutory trust,
 4 public corporation, government or governmental subdivision,
 5 agency or instrumentality;

6 [K.] O. "record" means information that is
 7 inscribed on a tangible medium or that is stored in an
 8 electronic or other medium and is retrievable in perceivable
 9 form;

10 [L.] P. "sign" or "subscribe", when used with
 11 present intent to authenticate or adopt a record, means to:

- 12 (1) execute or adopt a tangible symbol; or
- 13 (2) attach to or logically associate with the
- 14 record an electronic symbol, sound or process;

15 [M.] Q. "signature" means a tangible symbol or an
 16 electronic signature that evidences the signing of a record;

17 [N.] R. "stamping device" means:

- 18 (1) a physical device capable of affixing to
- 19 or embossing on a tangible record an official stamp; or
- 20 (2) an electronic device or process capable of
- 21 attaching to or logically associating with an electronic record
- 22 an official stamp; and

23 [O.] S. "verification on oath or affirmation" means
 24 a declaration, made by an individual on oath or affirmation
 25 before a notarial officer, that a statement in a record is

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1 true."

2 SECTION 4. Section 14-14A-3 NMSA 1978 (being Laws 2021,
3 Chapter 21, Section 3) is amended to read:

4 "14-14A-3. AUTHORITY TO PERFORM NOTARIAL ACT.--

5 A. A ~~[notary public or]~~ notarial officer shall
6 perform all notarial acts pursuant to the Revised Uniform Law
7 on Notarial Acts or by law of this state other than the Revised
8 Uniform Law on Notarial Acts.

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

14 C. A notarial officer may certify that a tangible
15 copy of an electronic record is an accurate copy of the
16 electronic record."

17 SECTION 5. Section 14-14A-5 NMSA 1978 (being Laws 2021,
18 Chapter 21, Section 5) is amended to read:

19 "14-14A-5. PERSONAL APPEARANCE REQUIRED--EXCEPTION
20 AUTHORIZED FOR REMOTE NOTARIZATIONS.--

21 A. If a notarial act relates to a statement made in
22 or a signature executed on a record, the individual making the
23 statement or executing the signature shall appear personally
24 before the notarial officer.

25 B. A remotely located individual may comply with

1 this section or with any other requirement of the laws of this
 2 state that state that a person appear before a notarial officer
 3 at the time of a notarial act by using communication technology
 4 to appear before a [~~notary public or~~] notarial officer.

5 C. A [~~notary public or~~] notarial officer located in
 6 this state may perform a notarial act using communication
 7 technology for a remotely located individual if:

8 (1) the [~~notary public~~] notarial officer:

9 (a) has personal knowledge of the
 10 identity of the individual pursuant to Subsection A of Section
 11 [~~6 of the Revised Uniform Law on Notarial Acts~~] 14-14A-6 NMSA
 12 1978;

13 (b) has taken the required class and has
 14 satisfactory evidence of the identity of the remotely located
 15 individual by oath or affirmation from a credible witness
 16 appearing before the notary public pursuant to Subsection B of
 17 Section [~~6 of the Revised Uniform Law on Notarial Acts~~]
 18 14-14A-6 NMSA 1978 or this section; or

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

22 (2) the [~~notary public~~] notarial officer is
 23 able to reasonably confirm that a record before the [~~notary~~
 24 ~~public~~] notarial officer is the same record in which the
 25 remotely located individual made a statement or on which the

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1 individual executed a signature;

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

6 (4) for a remotely located individual located
7 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 jurisdiction
11 of the United States; or 2) involves property located in the
12 territorial jurisdiction of the United States or involves a
13 transaction substantially connected with the United States;
14 [~~and~~]

15 (b) the notarial act is deemed to be
16 performed in this state and therefore does not require an
17 apostille in the form otherwise prescribed by the Hague
18 Convention of October 5, 1961; and

19 [~~(b)~~] (c) the act of making the
20 statement or signing the record is not prohibited by the
21 foreign state in which the remotely located individual is
22 located.

23 D. If a notarial act is performed pursuant to this
24 section, the certificate of notarial act required by Section
25 [~~15 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-15 NMSA

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1 1978 and the short-form certificate provided in Section [~~15 of~~
 2 ~~the Revised Uniform Law on Notarial Acts~~] 14-14A-15 NMSA 1978
 3 shall indicate that the notarial act was performed using
 4 communication technology.

5 E. A short-form certificate provided pursuant to
 6 Section [~~15 of the Revised Uniform Law on Notarial Acts~~]
 7 14-14A-15 NMSA 1978 for a notarial act subject to this section
 8 is sufficient if it:

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

11 (2) is in the form provided in Section [~~15 of~~
 12 ~~the Revised Uniform Law on Notarial Acts~~] 14-14A-15 NMSA 1978
 13 and contains a statement substantially as follows: "This
 14 notarial act involved the use of communication technology."

15 F. A [~~notary public~~] notarial officer, a guardian,
 16 a conservator or an agent of a [~~notary public~~] notarial officer
 17 or a personal representative of a deceased [~~notary public~~]
 18 notarial officer shall retain the audiovisual recording created
 19 pursuant to Paragraph (3) of Subsection C of this section or
 20 cause the recording to be retained by a repository designated
 21 by or on behalf of the person required to retain the recording.
 22 Unless a different period is required by rule adopted pursuant
 23 to Paragraph (4) of Subsection H of this section, the recording
 24 must be retained for a period of at least ten years after the
 25 recording is made.

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1 G. Before a notarial officer performs the notarial
2 officer's initial notarial act with a remotely located
3 individual under this section, the notarial officer shall
4 notify the secretary of state that the notarial officer will be
5 performing notarial acts with respect to remotely located
6 individuals and identify the technologies the notarial officer
7 intends to use. If the secretary of state has established
8 standards pursuant to Subsection H of this section and Section
9 ~~[26 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-26 NMSA
10 1978 for approval of communication technology or identity
11 proofing, the communication technology and identity proofing
12 shall conform to the standards.

13 H. In addition to adopting rules pursuant to
14 Section ~~[26 of the Revised Uniform Law on Notarial Acts]~~
15 14-14A-26 NMSA 1978, the secretary of state may adopt rules
16 under this section regarding performance of a notarial act.
17 The rules may:

- 18 (1) prescribe the means of performing a
19 notarial act involving a remotely located individual using
20 communication technology;
- 21 (2) establish standards for communication
22 technology and identity proofing;
- 23 (3) establish requirements or procedures to
24 approve providers of communication technology and the process
25 of identity proofing; and

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

4 I. Before adopting, amending or repealing a rule
 5 governing performance of a notarial act with respect to a
 6 remotely located individual, the secretary of state shall
 7 consider:

8 (1) the most recent standards regarding the
 9 performance of a notarial act with respect to a remotely
 10 located individual promulgated by national standard-setting
 11 organizations and the recommendations of the national
 12 association of secretaries of state;

13 (2) standards, practices and customs of other
 14 jurisdictions that have laws substantially similar to this
 15 section; and

16 (3) input from governmental officials and
 17 entities and other interested persons.

18 J. By allowing its communication technology or
 19 identity proofing to facilitate a notarial act for a remotely
 20 located individual or by providing storage of the audiovisual
 21 recording created pursuant to Paragraph (3) of Subsection C of
 22 this section, the provider of the communication technology,
 23 identity proofing or storage appoints the secretary of state as
 24 the provider's agent for service of process in a civil action
 25 in this state related to the notarial act.

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1 K. As used in this section:

2 (1) "communication technology" means an
3 electronic device or process that:

4 (a) allows a notarial officer and a
5 remotely located individual to communicate with each other
6 simultaneously by sight and sound; and

7 (b) when necessary and consistent with
8 other applicable law, facilitates communication with a remotely
9 located individual who has a vision, hearing or speech
10 impairment;

11 (2) "identity proofing" means a process or
12 service by which a third person provides a notarial officer
13 with the means to verify the identity of a remotely located
14 individual by a review of personal information from public or
15 private data sources;

16 (3) "outside the United States" means a
17 location outside the geographic boundaries of the United
18 States, Puerto Rico, the United States Virgin Islands and any
19 territory, insular possession or other location subject to the
20 jurisdiction of the United States; and

21 (4) "remotely located individual" means an
22 individual who is not in the physical presence of the notarial
23 officer who performs a notarial act under Subsection C of this
24 section."

25 SECTION 6. Section 14-14A-7 NMSA 1978 (being Laws 2021,
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1 Chapter 21, Section 7) is amended to read:

2 "14-14A-7. AUTHORITY TO REFUSE TO PERFORM NOTARIAL
3 ACTS.--

4 A. A notarial officer may refuse to perform a
5 notarial act if the officer is not satisfied that:

6 (1) the individual executing the record is
7 competent or has the capacity to execute the record; or

8 (2) the individual's signature is knowingly
9 and voluntarily made.

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

13 C. In accordance with the Human Rights Act, a
14 notary public or notarial officer shall not discriminate in the
15 [~~performance of~~] refusal to perform or the manner in which a
16 notarial act is performed pursuant to the Revised Uniform Law
17 on Notarial Acts."

18 SECTION 7. Section 14-14A-9 NMSA 1978 (being Laws 2021,
19 Chapter 21, Section 9) is amended to read:

20 "14-14A-9. NOTARIAL ACTS IN THIS STATE.--

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

23 (1) a notary public of this state; or

24 (2) [~~a judge of a court~~] an automatic notarial
25 officer of this state.

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

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

9 ~~(6) any other individual authorized to perform~~
10 ~~a specific notarial act by the law of this state other than the~~
11 ~~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 individual
15 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 notarial
19 act. An official stamp is required ~~[if the laws of this state~~
20 ~~require]~~ unless a state law specifies that an official stamp is
21 not required for that notarial act."

22 SECTION 8. Section 14-14A-10 NMSA 1978 (being Laws 2021,
23 Chapter 21, Section 10) is amended to read:

24 "14-14A-10. NOTARIAL ACT IN ANOTHER STATE.--

25 A. A notarial act performed in another state has

1 the same effect under the law of this state as if performed by
 2 a notarial officer of this state if the act performed in that
 3 state is performed by a notarial officer or other individual
 4 authorized by the law of that state to perform the notarial
 5 act.

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

10 C. The signature and title of a notarial officer
 11 described in Subsection A of this section conclusively
 12 establish the authority of the officer to perform the notarial
 13 act. An official stamp is required ~~[if the laws of this state~~
 14 ~~require]~~ unless a state law specifies that an official stamp is
 15 not required by that notarial officer or for that notarial
 16 act."

17 SECTION 9. Section 14-14A-11 NMSA 1978 (being Laws 2021,
 18 Chapter 21, Section 11) is amended to read:

19 "14-14A-11. NOTARIAL ACT UNDER THE AUTHORITY OF A
 20 FEDERALLY RECOGNIZED INDIAN NATION, TRIBE OR PUEBLO.--

21 A. A notarial act performed under the authority and
 22 in the jurisdiction of a federally recognized Indian nation,
 23 tribe or pueblo has the same effect as if performed by a
 24 notarial officer of this state if the act performed in the
 25 jurisdiction of the nation, tribe or pueblo is performed by a

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1 notarial officer or other individual authorized by the written
2 law of the nation, tribe or pueblo to perform the notarial act.

3 B. The signature and title of an individual
4 performing a notarial act under the authority of and in the
5 jurisdiction of a federally recognized Indian nation, tribe or
6 pueblo are prima facie evidence that the signature is genuine
7 and that the individual holds the designated title.

8 C. The signature and title of a notarial officer
9 described in Subsection A of this section conclusively
10 establish the authority of the officer to perform the notarial
11 act. An official stamp is required [~~if~~] unless the laws of the
12 nation, tribe [~~require~~] or pueblo specify that an official
13 stamp is not required by that notarial officer for that
14 notarial act."

15 SECTION 10. Section 14-14A-12 NMSA 1978 (being Laws 2021,
16 Chapter 21, Section 12) is amended to read:

17 "14-14A-12. NOTARIAL ACT UNDER FEDERAL AUTHORITY.--

18 A. A notarial act performed under federal law has
19 the same effect under the law of this state as if performed by
20 a notarial officer of this state if the act performed under
21 federal law is performed by:

- 22 (1) a judge;
23 (2) a court clerk or deputy court clerk;
24 (3) an individual in military service or
25 performing duties under the authority of military service who

1 is authorized to perform notarial acts under federal law;

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

5 (5) any other individual authorized by federal
 6 law to perform ~~the~~ a specified notarial act.

7 B. The signature and title of an individual acting
 8 under federal authority and performing a notarial act are prima
 9 facie evidence that the signature is genuine and that the
 10 individual holds the designated title.

11 C. The signature and title of an officer described
 12 in Subsection A of this section conclusively establish the
 13 authority of the officer to perform the notarial act. An
 14 official stamp is required unless a law specifies that an
 15 official stamp is not required by that federal notarial officer
 16 or for that notarial act."

17 SECTION 11. Section 14-14A-13 NMSA 1978 (being Laws 2021,
 18 Chapter 21, Section 13) is amended to read:

19 "14-14A-13. FOREIGN NOTARIAL ACTS.--

20 A. If a notarial act is performed under authority
 21 and in the jurisdiction of a foreign state or constituent unit
 22 of the foreign state or is performed under the authority of a
 23 multinational or international governmental organization, the
 24 act has the same effect under the law of this state as if
 25 performed by a notarial officer of this state.

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1 B. If the title of office and indication of
2 authority to perform notarial acts in a foreign state appears
3 in a digest of foreign law or in a list customarily used as a
4 source for that information, the authority of an officer with
5 that title to perform notarial acts is conclusively
6 established.

7 C. The signature and official stamp of an
8 individual holding an office described in Subsection B of this
9 section are prima facie evidence that the signature is genuine
10 and the individual holds the designated title. An official
11 stamp is required unless a law of the foreign state specifies
12 that an official stamp is not required by that notarial officer
13 or for that notarial act.

14 D. An apostille in the form prescribed by the Hague
15 Convention of October 5, 1961 and issued by a foreign state
16 party to the Hague Convention of October 5, 1961 conclusively
17 establishes that the signature of the notarial officer is
18 genuine and that the officer holds the indicated office.

19 E. A consular authentication issued by an
20 individual designated by the United States department of state
21 as a notarizing officer for performing notarial acts overseas
22 and attached to the record with respect to which the notarial
23 act is performed conclusively establishes that the signature of
24 the notarial officer is genuine and that the officer holds the
25 indicated office."

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1 SECTION 12. Section 14-14A-14 NMSA 1978 (being Laws 2021,
2 Chapter 21, Section 14) is amended to read:

3 "14-14A-14. CERTIFICATE OF NOTARIAL ACT.--

4 A. A notarial act shall be evidenced by a
5 certificate. The certificate shall:

6 (1) be executed contemporaneously with the
7 performance of the notarial act;

8 (2) be signed and dated by the notarial
9 officer [~~and, if the notarial officer is a notary public, be~~
10 ~~signed~~] in the same manner as on file with the secretary of
11 state;

12 (3) identify the jurisdiction in which the
13 notarial act is performed;

14 (4) contain the title of office of the
15 notarial officer;

16 (5) if the notarial officer is a notary
17 public, indicate the notary public's commission number and the
18 date of expiration of the notarial officer's commission;

19 (6) if the notarial officer is an automatic
20 notarial officer:

21 (a) identify the judicial district or
22 area served if the notarial officer is a [~~judge, court clerk or~~
23 ~~deputy court clerk~~] judicial officer;

24 [~~(7)~~] (b) identify the county served if
25 the notarial officer is a county clerk or deputy county clerk;

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1 and

2 ~~[(8)]~~ (c) identify the state bar number
3 if the notarial officer is an attorney but is not ~~[in a~~
4 ~~category identified in Paragraph (6) or (7)]~~ performing a
5 notarial act pursuant to Subparagraph (a) or (b) of this
6 ~~[subsection]~~ paragraph and is not a judge; and

7 (7) if the notarial officer is an individual
8 authorized by a statutory law of this state other than the
9 Revised Uniform Law on Notarial Acts to perform a specified
10 notarial act, identify the statute authorizing the person to
11 perform the specified notarial act.

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

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1 C. A certificate of a notarial act is sufficient if
 2 it meets the requirements of Subsections A and B of this
 3 section and:

4 (1) is in a short-form set forth in Section
 5 ~~[15 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-15 NMSA
 6 1978;

7 (2) is in a form otherwise permitted by the
 8 ~~[law]~~ laws of this state;

9 (3) is in a form permitted by ~~[the]~~ law
 10 applicable in the jurisdiction in which the notarial act was
 11 performed; or

12 (4) sets forth the actions of the notarial
 13 officer, and the actions are sufficient to meet the
 14 requirements of the notarial act as provided in Sections ~~[4, 5~~
 15 ~~and 6 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-4
 16 through 14-14A-6 NMSA 1978 or law of this state other than the
 17 Revised Uniform Law on Notarial Acts.

18 D. By executing a certificate of a notarial act, a
 19 notarial officer certifies that the officer has complied with
 20 the requirements and made the determinations specified in
 21 Sections ~~[4, 5 and 6 of the Revised Uniform Law on Notarial~~
 22 ~~Acts]~~ 14-14A-4 through 14-14A-6 NMSA 1978.

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

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1 F. If a notarial act is performed regarding a
 2 tangible record, a certificate shall be part of, or securely
 3 attached to, the record. If a notarial act is performed
 4 regarding an electronic record, the certificate shall be
 5 affixed to, or logically associated with, the electronic
 6 record. If the secretary of state has established standards
 7 pursuant to Section [~~26 of the Revised Uniform Law on Notarial~~
 8 ~~Acts~~] 14-14A-26 NMSA 1978 for attaching, affixing or logically
 9 associating the certificate, the process shall conform to the
 10 standards."

11 SECTION 13. Section 14-14A-15 NMSA 1978 (being Laws 2021,
 12 Chapter 21, Section 15) is amended to read:

13 "14-14A-15. SHORT-FORM CERTIFICATES.--The following
 14 short-form certificates of notarial acts are sufficient for the
 15 purposes indicated, if completed with the information required
 16 by Subsections A and B of Section [~~14 of the Revised Uniform~~
 17 ~~Law on Notarial Acts~~] 14-14A-14 NMSA 1978:

18 A. for an acknowledgment in an individual capacity:

19 State of _____

20 [County] of _____

21 This record was acknowledged before me on _____

22 Date

23 by _____.

24 Name(s) of individual(s)

25 _____

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 [bracketed material] = delete

1 Signature of notarial officer

2 Stamp

3 [_____]

4 Title of office

5 [New Mexico state bar identification number, judicial district
6 or area, county or notary public commission number and date of
7 commission expiration: _____];

8 B. for an acknowledgment in a representative
9 capacity:

10 State of _____

11 [County] of _____

12 This record was acknowledged before me on _____ by
13 Date

14 _____

15 Name(s) of individual(s)

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

18 _____

19 Signature of notarial officer

20 Stamp

21 [_____]

22 Title of office

23 [New Mexico state bar identification number, judicial
24 district or area, county served or notary public commission
25 number and date of commission expiration: _____];

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[bracketed material] = delete

1 C. for a verification on oath or affirmation:

2 State of _____

3 [County] of _____

4 Signed and sworn to (or affirmed) before me on _____

5 Date

6 by _____.

7 Name(s) of individual(s)

8 making statement

9 _____

10 Signature of notarial officer

11 Stamp

12 [_____]

13 Title of office

14 [New Mexico state bar identification number, judicial district

15 or area, county served or notary public commission number and

16 date of commission expiration: _____];

17 D. for witnessing or attesting a signature:

18 State of _____

19 [County] of _____

20 Signed (or attested) before me on _____ by

21 Date

22 _____.

23 Name(s) of individual(s)

24 _____

25 Signature of notarial officer

underscoring material = new
[bracketed material] = delete

1 Stamp

2 [_____]

3 Title of office

4 [New Mexico state bar identification number, judicial district
5 or area, county served or notary public commission number and
6 date of commission expiration: _____]; and

7 E. for certifying a copy of a record:

8 State of _____

9 [County] of _____

10 I certify that this is a true and correct copy of a record in
11 the possession of _____.

12 Dated _____

13 _____

14 Signature of notarial officer

15 Stamp

16 [_____]

17 Title of office

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

21 SECTION 14. Section 14-14A-16 NMSA 1978 (being Laws 2021,
22 Chapter 21, Section 16) is amended to read:

23 "14-14A-16. OFFICIAL STAMP.--The official stamp of a
24 notarial officer shall:

25 A. include the notarial officer's name,

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[bracketed material] = delete

1 [jurisdiction and] New Mexico state bar identification number
2 if the notary public is licensed to practice law [~~in this~~
3 ~~state~~], judicial district or area served if the notarial
4 officer is a judge, court clerk or deputy court clerk, county
5 if the notarial officer is a county clerk or deputy county
6 clerk or notary public commission number and date of commission
7 expiration, the notarial officer's official notary seal and
8 other information required by the secretary of state;

9 B. be capable of being copied together with the
10 record to which it is affixed or attached or with which it is
11 logically associated; and

12 C. be filed with the secretary of state before the
13 notarial officer performs the notarial officer's initial
14 notarial act."

15 SECTION 15. Section 14-14A-17 NMSA 1978 (being Laws 2021,
16 Chapter 21, Section 17) is amended to read:

17 "14-14A-17. STAMPING DEVICE.--

18 A. A [~~notary public~~] notarial officer is
19 responsible for the security of the [~~notary public's~~] notarial
20 officer's stamping device and may not allow another individual
21 to use the device to perform a notarial act. On resignation
22 from, or the revocation or expiration of, [~~the~~] a notary
23 public's commission, or on the expiration of the date set forth
24 in the stamping device, if any, the notary public shall disable
25 the stamping device by destroying, defacing, damaging, erasing

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1 or securing it against use in a manner that renders it
 2 unusable. On the death or adjudication of incompetency of a
 3 ~~[notary public]~~ notarial officer, the ~~[notary public's]~~
 4 notarial officer's personal representative or guardian or any
 5 other person knowingly in possession of the stamping device
 6 shall render it unusable by destroying, defacing, damaging,
 7 erasing or securing it against use in a manner that renders it
 8 unusable.

9 B. If a ~~[notary public's]~~ notarial officer's
 10 stamping device is lost or stolen, the ~~[notary public]~~ notarial
 11 officer or the ~~[notary public's]~~ notarial officer's personal
 12 representative or guardian shall promptly notify the secretary
 13 of state on discovering that the device is lost or stolen."

14 SECTION 16. Section 14-14A-18 NMSA 1978 (being Laws 2021,
 15 Chapter 21, Section 18) is amended to read:

16 "14-14A-18. JOURNAL.--

17 A. A ~~[notary public]~~ notarial officer in this state
 18 shall maintain a journal in which the ~~[notary public]~~ notarial
 19 officer chronicles all notarial acts that the ~~[notary public]~~
 20 notarial officer performs. The ~~[notary public]~~ notarial
 21 officer shall retain the journal for ten years after the
 22 performance of the last notarial act chronicled in the journal.

23 B. A journal may be created on a tangible medium or
 24 in an electronic format. A ~~[notary public]~~ notarial officer
 25 performing notarial acts pursuant to Subsection E of this

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1 section shall maintain only one journal at a time to chronicle
2 all notarial acts, whether those notarial acts are performed
3 regarding tangible or electronic records; provided that a
4 ~~[notary public]~~ notarial officer may keep a journal in a
5 tangible medium for tangible records and an electronic journal
6 for electronic records. If the journal is maintained on a
7 tangible medium, it must be a permanent, bound register with
8 numbered pages. If the journal is maintained in an electronic
9 format, it must be in a permanent, tamper-evident electronic
10 format complying with the rules of the secretary of state.

11 C. An entry in a journal must be made
12 contemporaneously with performance of the notarial act and
13 contain the following information:

- 14 (1) the date and time of the notarial act;
15 (2) a description of the record, if any, and
16 type of notarial act;
17 (3) the full name and address of each
18 individual for whom the notarial act is performed;
19 (4) if identity of the individual is based on
20 personal knowledge, a statement to that effect;
21 (5) if identity of the individual is based on
22 satisfactory evidence, a brief description of the method of
23 identification and the identification credential presented, if
24 any, including the date of issuance and expiration of any
25 identification credential; and

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1 (6) the fee, if any, charged by the [~~notary~~
2 ~~public~~] notarial officer.

3 D. If a [~~notary public's~~] notarial officer's
4 journal is lost or stolen, the [~~notary public~~] notarial officer
5 shall promptly notify the secretary of state on discovering
6 that the journal is lost or stolen.

7 E. Pursuant to the requirements provided in
8 Subsections B and C of this section, a notarial officer
9 licensed to practice law [~~in this state~~] shall maintain a
10 journal when performing notarial acts for members of the public
11 unrelated to an established attorney-client relationship.

12 F. On resignation from, or the revocation or
13 suspension of, a notary public's commission, the notary public
14 shall retain the notary public's journal in accordance with
15 Subsection A of this section and inform the secretary of state
16 of where the journal is located.

17 G. Instead of retaining a journal as provided in
18 Subsections A and F of this section, a current or former
19 [~~notary public~~] notarial officer may transmit the journal to
20 the secretary of state, the state records [~~officer~~]
21 administrator or a repository approved by the secretary of
22 state.

23 H. On the death or adjudication of incompetency of
24 a current or former [~~notary public~~] notarial officer, the
25 [~~notary public's~~] notarial officer's personal representative or

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1 guardian or any other person knowingly in possession of the
2 journal shall transmit the journal to the secretary of state,
3 the state records officer or a repository approved by the
4 secretary of state."

5 SECTION 17. Section 14-14A-19 NMSA 1978 (being Laws 2021,
6 Chapter 21, Section 19) is amended to read:

7 "14-14A-19. NOTIFICATION REGARDING PERFORMANCE OF
8 NOTARIAL ACT ON ELECTRONIC RECORD--SELECTION OF TECHNOLOGY.--

9 A. A [~~notary public or~~] notarial officer shall
10 select one or more tamper-evident technologies to perform
11 notarial acts with respect to electronic records. A person may
12 not require a [~~notary public or~~] notarial officer to perform a
13 notarial act with respect to an electronic record with a
14 technology that the [~~notary public~~] notarial officer has not
15 selected.

16 B. Before performing the [~~notary public's or~~]
17 notarial officer's initial notarial act with respect to an
18 electronic record, a [~~notary public or~~] notarial officer shall
19 notify the secretary of state that the [~~notary public~~] notarial
20 officer will be performing notarial acts with respect to
21 electronic records and identify the technology the notary
22 public intends to use. If the secretary of state has
23 established standards for approval of technology pursuant to
24 Section [~~26 of the Revised Uniform Law on Notarial Acts~~]
25 14-14A-26 NMSA 1978, the technology must conform to the

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1 standards. If the technology conforms to those standards, the
 2 secretary of state shall approve the use of the technology."

3 SECTION 18. Section 14-14A-20 NMSA 1978 (being Laws 2021,
 4 Chapter 21, Section 20) is amended to read:

5 "14-14A-20. COMMISSION AS NOTARY PUBLIC QUALIFICATIONS--
 6 NO IMMUNITY OR BENEFIT.--

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

12 B. To qualify for the commission as a notary
 13 public, an applicant [~~shall~~]:

14 (1) shall be at least eighteen years of age;

15 [~~(2) be a citizen or permanent legal resident~~
 16 ~~of the United States;~~

17 [~~(3)~~] (2) shall be a resident of or have a
 18 place of employment in this state;

19 [~~(4)~~] (3) shall be able to read and write
 20 English;

21 [~~(5)~~] (4) shall not be disqualified to receive
 22 a commission under Section [~~22 of the Revised Uniform Law on~~
 23 ~~Notarial Acts~~] 14-14A-22 NMSA 1978;

24 [~~(6)~~] (5) shall have passed the examination
 25 required pursuant to Subsection A of Section [~~21 of the Revised~~

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1 ~~Uniform Law on Notarial Acts~~] 14-14A-21 NMSA 1978; and

2 ~~[(7) not otherwise be qualified as a notarial~~
3 ~~officer; provided that an individual who is employed as a court~~
4 ~~clerk, deputy court clerk]~~

5 (6) if a judicial officer, the secretary of
6 state or a full-time staff member of the secretary of state's
7 office, county clerk or deputy county clerk who is not licensed
8 to practice law, may also be commissioned as a notary public to
9 perform notarial acts outside the individual's scope of duties
10 as an automatic notarial officer.

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

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

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1 surety or issuing entity shall give thirty days notice to the
 2 secretary of state before canceling the assurance. The surety
 3 or issuing entity shall notify the secretary of state not later
 4 than thirty days after making a payment to a claimant under the
 5 assurance. A notary public may perform notarial acts in this
 6 state only during the period that a valid assurance is on file
 7 with the secretary of state.

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

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

16 G. At least thirty days before expiration of each
 17 ~~[notary public's]~~ notarial officer's commission, the secretary
 18 of state shall mail a notice of expiration to the ~~[notary~~
 19 ~~public's]~~ notarial officer's mailing address of record. A
 20 ~~[notary public]~~ notarial officer may be reappointed upon making
 21 an application in the same manner as required for an original
 22 application."

23 SECTION 19. Section 14-14A-21 NMSA 1978 (being Laws 2021,
 24 Chapter 21, Section 21) is amended to read:

25 "14-14A-21. EXAMINATION OF NOTARY PUBLIC AND NOTARIAL

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1 OFFICERS--CONTINUING LEGAL EDUCATION REQUIREMENTS FOR AUTOMATIC
2 NOTARIAL OFFICERS.--

3 A. An applicant for a commission as a notary public
4 who does not hold a commission in this state is required to
5 pass an examination administered by the secretary of state or
6 an entity approved by the secretary of state. The examination
7 will be based on the course of study described in Subsection B
8 of this section.

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

14 [~~C. A notarial officer authorized to practice law~~
15 ~~in this state]~~

16 C. A person qualified to be an automatic notarial
17 officer is required to attend a course delivered by the
18 secretary of state or an entity approved by the secretary of
19 state. The course may be delivered in person or online.
20 Attendance in the course is required before the person's seal
21 may be registered with the secretary of state, and attendees
22 shall demonstrate an understanding of the course material. The
23 course shall cover laws, rules, procedures and ethics relevant
24 to being an automatic notarial officer.

25 D. An automatic notarial officer may obtain ~~[one~~

1 ~~unit of~~] continuing legal education credit, pursuant to rules
 2 established by the board of bar commissioners of the state of
 3 New Mexico, for participating in continuing legal education
 4 related to performing the notarial acts."

5 SECTION 20. Section 14-14A-22 NMSA 1978 (being Laws 2021,
 6 Chapter 21, Section 22) is amended to read:

7 "14-14A-22. GROUNDS TO DENY, REFUSE TO RENEW, REVOKE,
 8 SUSPEND OR CONDITION COMMISSION OF ~~[NOTARY PUBLIC]~~ NOTARIAL
 9 OFFICER.--

10 A. The state ethics commission may ~~[deny, refuse to~~
 11 ~~renew]~~ revoke, suspend or impose a condition on a ~~[commission~~
 12 ~~as notary public]~~ notarial officer for any act or omission that
 13 demonstrates that the individual lacks the honesty, integrity,
 14 competence or reliability to act as a ~~[notary public]~~ notarial
 15 officer, including:

16 (1) failure to comply with the Revised Uniform
 17 Law on Notarial Acts;

18 (2) a fraudulent, dishonest or deceitful
 19 misstatement or omission in the application for a commission as
 20 a notary public ~~[submitted to the state ethics commission];~~

21 (3) a conviction of the applicant or ~~[notary~~
 22 ~~public]~~ automatic notarial officer of any felony or a crime
 23 involving fraud, dishonesty or deceit during the ~~[term of the~~
 24 ~~notary public's commission or during the five years immediately~~
 25 ~~preceding such term]~~ preceding four years;

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1 (4) a finding against, or admission of
2 liability by, the applicant or [~~notary public~~] notarial officer
3 in any legal proceeding or disciplinary action based on the
4 applicant's or [~~notary public's~~] notarial officer's fraud,
5 dishonesty or deceit;

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

11 (6) violation by the notarial officer of an
12 obligation required of a notarial officer, whether by the
13 provisions of the Revised Uniform Law on Notarial Acts, rules
14 of the secretary of state or any federal or state law;

15 [~~(6)~~] (7) use of false or misleading
16 advertising or representation by the notary public representing
17 that the notary has a duty, right or privilege that the notary
18 does not have;

19 [~~(7)~~] ~~violation by the notary public of a rule~~
20 ~~of the secretary of state regarding a notary public;]~~

21 (8) denial, refusal to renew, revocation,
22 suspension or conditioning of a notary public commission in
23 another state;

24 (9) failure of the notary public to maintain
25 an assurance as provided in Subsection D of Section [~~20 of the~~

1 ~~Revised Uniform Law on Notarial Acts~~] 14-14A-20 NMSA 1978; or
 2 (10) if the individual ceases to be a resident
 3 of this state or ceases to be employed in this state.

4 B. The secretary of state may deny or refuse to
 5 renew an applicant upon notice from the state ethics commission
 6 of adverse action upon an applicant or a [notary public]
 7 notarial officer.

8 C. The authority of the state ethics commission to
 9 deny, refuse to renew, suspend, revoke or impose conditions on
 10 a [~~commission as a notary public~~] notarial officer does not
 11 prevent a person from seeking and obtaining other criminal or
 12 civil remedies provided by law."

13 SECTION 21. Section 14-14A-23 NMSA 1978 (being Laws 2021,
 14 Chapter 21, Section 23) is amended to read:

15 "14-14A-23. DATABASE OF [~~NOTARIES PUBLIC~~] NOTARIAL
 16 OFFICERS.--The secretary of state shall maintain an electronic
 17 database of [~~notaries public~~] notarial officers providing the
 18 following:

19 A. information and a means through which a person
 20 may verify the authority of a [~~notary public~~] notarial officer
 21 to perform notarial acts; and

22 B. indication of whether a [~~notary public~~] notarial
 23 officer has notified the secretary of state that the [~~notary~~
 24 ~~public~~] notarial officer will be performing notarial acts on
 25 electronic records."

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1 SECTION 22. Section 14-14A-24 NMSA 1978 (being Laws 2021,
2 Chapter 21, Section 24) is amended to read:

3 "14-14A-24. PROHIBITED ACTS.--

4 A. A commission as a notary public or status as an
5 automatic notarial officer does not by itself authorize an
6 individual to:

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

9 (2) act as an immigration consultant or an
10 expert on immigration matters;

11 (3) represent a person in a judicial or
12 administrative proceeding relating to immigration to the United
13 States, United States citizenship or related matters; or

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

16 B. A [~~notary public~~] notarial officer shall not
17 engage in false or deceptive advertising.

18 C. A [~~notary public~~] notarial officer, other than
19 an attorney licensed to practice law in this state, shall not
20 use the term "notario" or "notario publico".

21 D. A [~~notary public~~] notarial officer who is not
22 licensed to practice law shall not advertise or represent that
23 the [~~notary public~~] notarial officer may assist persons in
24 drafting legal records, give legal advice or otherwise practice
25 law. If a [~~notary public~~] notarial officer who is not an

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1 attorney licensed to practice law [~~in this state~~] in any manner
 2 advertises or represents that the notary public offers notarial
 3 services, whether orally or in a record, including broadcast
 4 media, print media and the internet, the [~~notary public~~]
 5 notarial officer shall include the following statement or an
 6 alternate statement authorized or required by the secretary of
 7 state, in the advertisement or representation, prominently and
 8 in each language used in the advertisement or representation:
 9 "I am not an attorney licensed to practice law in this state.
 10 I am not allowed to draft legal records, give advice on legal
 11 matters, including immigration, or charge a fee for those
 12 activities.". If the form of advertisement or representation
 13 is not broadcast media, print media or the internet and does
 14 not permit inclusion of the statement required by this
 15 subsection because of size, the statement shall be displayed
 16 prominently or provided at the place of performance of the
 17 notarial act before the notarial act is performed.

18 E. Except as otherwise allowed by law, a [~~notary~~
 19 ~~public~~] notarial officer shall not withhold access to or
 20 possession of an original record provided by a person that
 21 seeks performance of a notarial act by the [~~notary public~~]
 22 notarial officer.

23 F. A [~~notary public~~] notarial officer shall not:
 24 (1) perform a notarial act on a blank or
 25 incomplete record;

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- 1 (2) certify or authenticate a photograph;
2 (3) perform a notarial act with intent to
3 deceive or defraud; or
4 (4) use the title of notary public, notarial
5 officer or official stamp to endorse, promote, denounce or
6 oppose any product, service, contest, candidate or other
7 offering.

8 G. A notarial officer shall not:

9 (1) make or deliver a certificate of notarial
10 act containing statements that the notarial officer knows to be
11 false; or

12 (2) knowingly perform a notarial act for an
13 individual who does not comply with Section [~~6 of the Revised~~
14 ~~Uniform Law on Notarial Acts~~] 14-14A-6 NMSA 1978.

15 H. A notarial officer who violates any of the
16 provisions of Subsections A through G of this section is guilty
17 of a misdemeanor for each violation and upon conviction shall
18 be punished by a fine not exceeding one thousand dollars
19 (\$1,000) or by imprisonment for a period not exceeding six
20 months, or both.

21 I. An individual who performs a purported notarial
22 act with knowledge that the individual's commission as a notary
23 public has expired or that the individual is otherwise
24 disqualified from [~~the office of notary public or as a~~] being a
25 notarial officer is guilty of a misdemeanor for each purported

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1 notarial act and upon conviction shall be [~~punished by a fine~~
 2 ~~of five hundred dollars (\$500) and shall be removed from office~~
 3 ~~by the state ethics commission]~~ sentenced pursuant to the
 4 provisions of Section 31-19-1 NMSA 1978."

5 SECTION 23. Section 14-14A-25 NMSA 1978 (being Laws 2021,
 6 Chapter 21, Section 25) is amended to read:

7 "14-14A-25. VALIDITY OF NOTARIAL ACTS.--Except as
 8 otherwise provided in Subsection B of Section [~~3 of the Revised~~
 9 ~~Uniform Law on Notarial Acts]~~ 14-14A-3 NMSA 1978, the failure
 10 of a notarial officer to perform a duty or meet a requirement
 11 specified in the Revised Uniform Law on Notarial Acts does not
 12 invalidate a notarial act performed by the notarial officer.
 13 The validity of a notarial act under the Revised Uniform Law on
 14 Notarial Acts does not prevent an aggrieved person from seeking
 15 to invalidate the record or transaction that is the subject of
 16 the notarial act or from seeking other remedies based on law of
 17 this state other than the Revised Uniform Law on Notarial Acts
 18 or law of the United States. This section does not validate a
 19 purported notarial act performed by an individual who does not
 20 have the authority to perform notarial acts."

21 SECTION 24. Section 14-14A-26 NMSA 1978 (being Laws 2021,
 22 Chapter 21, Section 26) is amended to read:

23 "14-14A-26. RULES.--

24 A. The secretary of state may adopt rules to
 25 implement the secretary's responsibilities pursuant to the

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1 Revised Uniform Law on Notarial Acts. Rules adopted regarding
2 the performance of notarial acts with respect to electronic
3 records may not require, or accord greater legal status or
4 effect to, the implementation or application of a specific
5 technology or technical specification. The rules may:

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

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

11 (3) include provisions to ensure integrity in
12 the creation, transmittal, storage or authentication of
13 electronic records or signatures;

14 (4) prescribe the process of granting or
15 renewing [~~conditioning, denying, suspending or revoking~~] a
16 notary public commission [~~and assuring the trustworthiness of~~
17 ~~an individual holding a commission as notary public~~];

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

20 (6) establish the process for approving and
21 accepting surety bonds and other forms of assurance pursuant to
22 Subsection D of Section [~~20 of the Revised Uniform Law on~~
23 ~~Notarial Acts~~] 14-14A-20 NMSA 1978;

24 (7) provide for the administration of the
25 examination pursuant to Subsection A of Section [~~21 of the~~

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1 ~~Revised Uniform Law on Notarial Acts~~ 14-14A-21 NMSA 1978 and
 2 the course of study pursuant to Subsection B of Section ~~[21 of~~
 3 ~~the Revised Uniform Law on Notarial Acts]~~ 14-14A-21 NMSA 1978;
 4 and

5 (8) provide for the administration of
 6 continuing legal education for notarial officers authorized to
 7 practice law in this state in collaboration with the board of
 8 bar commissioners of the state of New Mexico and pursuant to
 9 rules adopted by the board of bar commissioners of the state of
 10 New Mexico.

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

15 (1) the most recent standards regarding
 16 electronic records promulgated by national bodies, such as the
 17 national association of secretaries of state;

18 (2) standards, practices and customs of other
 19 jurisdictions that substantially enact the Revised Uniform Law
 20 on Notarial Acts; and

21 (3) the views of governmental officials and
 22 entities and other interested persons.

23 C. The state ethics commission may adopt rules to
 24 implement the commission's responsibilities pursuant to the
 25 Revised Uniform Law on Notarial Acts. The rules may:

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underscored material = new
 [bracketed material] = delete

- 1 (1) prescribe the process of submitting a
2 complaint;
- 3 (2) provide for the administration of the
4 adjudication of complaints;
- 5 (3) prescribe the procedure by which the state
6 ethics commission shall handle complaints;
- 7 (4) prescribe the procedure the state ethics
8 commission shall follow in approving a hearing officer's
9 recommendation; and
- 10 (5) prescribe the procedure of appealing the
11 state ethics commission's determination."

12 SECTION 25. Section 14-14A-27 NMSA 1978 (being Laws 2021,
13 Chapter 21, Section 27) is amended to read:

14 "14-14A-27. [~~NOTARY PUBLIC COMMISSION IN~~] EFFECT OF
15 ADOPTION OF AND AMENDMENTS TO ACT.--

16 A. A commission as a notary public in effect on the
17 effective date of the Revised Uniform Law on Notarial Acts
18 continues until its date of expiration.

19 ~~[B. A notarial officer authorized to practice law~~
20 ~~in this state is authorized to practice notarial acts with no~~
21 ~~expiration of this authority but shall maintain an active~~
22 ~~license to practice law.~~

23 ~~G. A notary public not authorized to practice law~~
24 ~~in this state who applies to renew a commission as a notary~~
25 ~~public on or after the effective date of the Revised Uniform~~

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1 ~~Law on Notarial Acts is subject to and shall comply with the~~
2 ~~Revised Uniform Law on Notarial Acts.~~

3 ~~D.]~~ B. A ~~[notary public or]~~ notarial officer, in
4 performing notarial acts after the effective date of the
5 Revised Uniform Law on Notarial Acts or any amendments to the
6 Revised Uniform Law on Notarial Acts shall comply with the most
7 recent version of the Revised Uniform Law on Notarial Acts in
8 effect.

9 C. When changes to the official stamp are adopted
10 in the Revised Uniform Law on Notarial Acts or by rules issued
11 by the secretary of state, a notarial officer who has
12 registered a stamp with the secretary of state may continue to
13 use the registered stamp until:

14 (1) the expiration of the officer's
15 commission, in the case of a notary public; or

16 (2) one year following the effective date of
17 the change, in the case of an automatic notarial officer.

18 D. The secretary of state shall notify notarial
19 officers when a change to the official stamp is adopted."

20 **SECTION 26.** Section 14-14A-28 NMSA 1978 (being Laws 2021,
21 Chapter 21, Section 28) is amended to read:

22 "14-14A-28. FEES.--

23 A. A ~~[notary public or]~~ notarial officer may charge
24 the maximum fee specified in this section, charge less than the
25 maximum fee or waive the fee.

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underscoring material = new
[bracketed material] = delete

1 B. An employer shall not establish fees for
2 notarial services that are in excess of those specified in this
3 section nor on the attributes of the principal as delineated.

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

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

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

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

13 (4) for copy certifications, fifty cents
14 (\$.50) per page with a minimum total charge of five dollars
15 (\$5.00).

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

18 (1) the ~~[notary public]~~ notarial officer and
19 the person requesting the notarial act agree upon the travel
20 fee in advance of the travel; and

21 (2) the ~~[notary public]~~ notarial officer
22 explains to the person requesting the notarial act that the
23 travel fee is separate from the notarial fees and not mandated
24 by law.

25 E. In addition to the fees prescribed in

1 Subsections C and D of this section, a [~~notary public~~] notarial
2 officer may charge a technology fee not to exceed twenty-five
3 dollars (\$25.00) or other amount established by rule by the
4 secretary of state per notarial act performed with respect to
5 an electronic record."

6 SECTION 27. Section 14-14A-30 NMSA 1978 (being Laws 2021,
7 Chapter 21, Section 30) is amended to read:

8 "14-14A-30. SAVING CLAUSE.--The Revised Uniform Law on
9 Notarial Acts does not affect the validity or effect of a
10 notarial act performed before the effective date of the Revised
11 Uniform Law on Notarial Acts or any amendments to the Revised
12 Uniform Law on Notarial Acts."

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