

1 SENATE BILL 246

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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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

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) a county clerk or deputy county clerk
13 while performing a notarial act within the scope of the county
14 clerk's or deputy county clerk's duties; and

15 (3) an individual who is a member of the state
16 bar of New Mexico and licensed to practice law;

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

20 ~~[C.]~~ D. "electronic signature" means an electronic
21 symbol, sound or process attached to or logically associated
22 with a record and executed or adopted by an individual with the
23 intent to sign the record;

24 ~~[D.]~~ E. "foreign state" means a government other
25 than the United States, a state or a federally recognized

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1 Indian tribe;

2 ~~[E.]~~ F. "in a representative capacity" means acting
3 as:

4 (1) an authorized officer, agent, partner,
5 trustee or other representative for a person other than an
6 individual;

7 (2) a public officer, personal representative,
8 guardian or other representative, in the capacity stated in a
9 record;

10 (3) an agent or attorney-in-fact for a
11 principal; or

12 (4) an authorized representative of another in
13 any other capacity;

14 G. "judicial officer" means:

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

16 (2) a special commissioner or hearing officer
17 appointed pursuant to supreme court rule and employed by a
18 state court;

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

21 (4) a court clerk or deputy court clerk of a
22 state court of this state;

23 H. "licensed to practice law" means a person who is
24 a member of the state bar of New Mexico and, based on such
25 membership, is authorized to practice law before the courts of

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1 this state;

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

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

13 (2) the record is filed in the court of the
14 judicial officer;

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

17 (1) an automatic notarial officer;

18 (2) a notary public; and

19 (3) an individual authorized by a statutory
20 law of this state other than the Revised Uniform Law on
21 Notarial Acts to perform a specified notarial act;

22 ~~[H.]~~ K. "notary public" ~~[means an individual~~
23 ~~commissioned to perform a notarial act by the secretary of~~
24 ~~state]~~ means an individual commissioned 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 county clerks or deputy county clerks,
12 the seal of the county, if the board of county commissioners
13 has approved a seal for the county and the seal has been filed
14 with the secretary of state; and

15 (3) for a person who is licensed to practice
16 law and who is not performing a notarial act pursuant to
17 Paragraphs (1) and (2) of this subsection, a seal approved by
18 the state bar of New Mexico for such purpose and the seal has
19 been filed with the secretary of state;

20 ~~[F.]~~ M. "official stamp" means a physical image
21 affixed to or embossed on a tangible record or an electronic
22 image attached to or logically associated with an electronic
23 record and includes an official notary seal;

24 ~~[J.]~~ N. "person" also includes a statutory trust,
25 public corporation, government or governmental subdivision,

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1 agency or instrumentality;

2 [K-] O. "record" means information that is
3 inscribed on a tangible medium or that is stored in an
4 electronic or other medium and is retrievable in perceivable
5 form;

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

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

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

13 [N-] R. "stamping device" means:

- 14 (1) a physical device capable of affixing to
15 or embossing on a tangible record an official stamp; or
16 (2) an electronic device or process capable of
17 attaching to or logically associating with an electronic record
18 an official stamp; and

19 [O-] S. "verification on oath or affirmation" means
20 a declaration, made by an individual on oath or affirmation
21 before a notarial officer, that a statement in a record is
22 true."

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

25 "14-14A-3. AUTHORITY TO PERFORM NOTARIAL ACT.--

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1 A. A [~~notary public or~~] notarial officer shall
2 perform all notarial acts pursuant to the Revised Uniform Law
3 on Notarial Acts or by law of this state other than the Revised
4 Uniform Law on Notarial Acts.

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

10 C. A notarial officer may certify that a tangible
11 copy of an electronic record is an accurate copy of the
12 electronic record."

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

15 "14-14A-5. PERSONAL APPEARANCE REQUIRED--EXCEPTION
16 AUTHORIZED FOR REMOTE NOTARIZATIONS.--

17 A. If a notarial act relates to a statement made in
18 or a signature executed on a record, the individual making the
19 statement or executing the signature shall appear personally
20 before the notarial officer.

21 B. A remotely located individual may comply with
22 this section or with any other requirement of the laws of this
23 state that state that a person appear before a notarial officer
24 at the time of a notarial act by using communication technology
25 to appear before a [~~notary public or~~] notarial officer.

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

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

5 (a) has personal knowledge of the
6 identity of the individual pursuant to Subsection A of Section
7 ~~[6 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-6 NMSA
8 1978;

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

15 (c) has obtained satisfactory evidence
16 of the identity of the remotely located individual by using at
17 least two different types of identity proofing;

18 (2) the ~~[notary public]~~ notarial officer is
19 able to reasonably confirm that a record before the ~~[notary~~
20 ~~public]~~ notarial officer is the same record in which the
21 remotely located individual made a statement or on which the
22 individual executed a signature;

23 (3) the ~~[notary public]~~ notarial officer, or a
24 person acting on behalf of the ~~[notary public]~~ notarial
25 officer, creates an audiovisual recording of the performance of

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1 the notarial act; and

2 (4) for a remotely located individual located
3 outside the United States:

4 (a) the record: 1) is to be filed with
5 or relates to a matter before a public official or court,
6 governmental entity or other entity subject to the jurisdiction
7 of the United States; or 2) involves property located in the
8 territorial jurisdiction of the United States or involves a
9 transaction substantially connected with the United States;
10 [~~and~~]

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

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

19 D. If a notarial act is performed pursuant to this
20 section, the certificate of notarial act required by Section
21 [~~15 of the Revised Uniform Law on Notarial Acts~~] 14-14A-15 NMSA
22 1978 and the short-form certificate provided in Section [~~15 of~~
23 ~~the Revised Uniform Law on Notarial Acts~~] 14-14A-15 NMSA 1978
24 shall indicate that the notarial act was performed using
25 communication technology.

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1 E. A short-form certificate provided pursuant to
2 Section [~~15 of the Revised Uniform Law on Notarial Acts~~]
3 14-14A-15 NMSA 1978 for a notarial act subject to this section
4 is sufficient if it:

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

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

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

22 G. Before a notarial officer performs the notarial
23 officer's initial notarial act with a remotely located
24 individual under this section, the notarial officer shall
25 notify the secretary of state that the notarial officer will be

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1 performing notarial acts with respect to remotely located
2 individuals and identify the technologies the notarial officer
3 intends to use. If the secretary of state has established
4 standards pursuant to Subsection H of this section and Section
5 ~~[26 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-26 NMSA
6 1978 for approval of communication technology or identity
7 proofing, the communication technology and identity proofing
8 shall conform to the standards.

9 H. In addition to adopting rules pursuant to
10 Section ~~[26 of the Revised Uniform Law on Notarial Acts]~~
11 14-14A-26 NMSA 1978, the secretary of state may adopt rules
12 under this section regarding performance of a notarial act.
13 The rules may:

14 (1) prescribe the means of performing a
15 notarial act involving a remotely located individual using
16 communication technology;

17 (2) establish standards for communication
18 technology and identity proofing;

19 (3) establish requirements or procedures to
20 approve providers of communication technology and the process
21 of identity proofing; and

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

25 I. Before adopting, amending or repealing a rule

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1 governing performance of a notarial act with respect to a
2 remotely located individual, the secretary of state shall
3 consider:

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

9 (2) standards, practices and customs of other
10 jurisdictions that have laws substantially similar to this
11 section; and

12 (3) input from governmental officials and
13 entities and other interested persons.

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

22 K. As used in this section:

23 (1) "communication technology" means an
24 electronic device or process that:

25 (a) allows a notarial officer and a

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1 remotely located individual to communicate with each other
2 simultaneously by sight and sound; and

3 (b) when necessary and consistent with
4 other applicable law, facilitates communication with a remotely
5 located individual who has a vision, hearing or speech
6 impairment;

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

12 (3) "outside the United States" means a
13 location outside the geographic boundaries of the United
14 States, Puerto Rico, the United States Virgin Islands and any
15 territory, insular possession or other location subject to the
16 jurisdiction of the United States; and

17 (4) "remotely located individual" means an
18 individual who is not in the physical presence of the notarial
19 officer who performs a notarial act under Subsection C of this
20 section."

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

23 "14-14A-7. **AUTHORITY TO REFUSE TO PERFORM NOTARIAL**
24 **ACTS.--**

25 A. A notarial officer may refuse to perform a

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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 federal
8 law other than the Revised Uniform Law on Notarial Acts.

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

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

16 "14-14A-9. NOTARIAL ACTS IN THIS STATE.--

17 A. A notarial act may be performed in this state
18 by:

19 (1) a notary public of this state;

20 (2) ~~[a judge of a court]~~ an automatic notarial
21 officer of this state; or

22 ~~[(3) a court clerk or deputy court clerk of~~
23 ~~this state while performing a notarial act within the scope of~~
24 ~~a court clerk's or deputy court clerk's duties;~~

25 ~~(4) a county clerk or deputy county clerk while~~

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1 performing a notarial act within the scope of the county
2 clerk's or deputy county clerk's duties;

3 ~~(5) an individual licensed to practice law in~~
4 ~~this state; or~~

5 ~~(6) any other individual authorized to perform~~
6 ~~a specific notarial act by the law of this state other than the~~
7 ~~Revised Uniform Law on Notarial Acts.]~~

8 (3) an individual authorized by state law
9 other than the Revised Uniform Law on Notarial Acts to perform
10 a specified notarial act.

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

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

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

23 "14-14A-10. NOTARIAL ACT IN ANOTHER STATE.--

24 A. A notarial act performed in another state has
25 the same effect under the law of this state as if performed by

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

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

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

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

18 "14-14A-11. NOTARIAL ACT UNDER THE AUTHORITY OF A
19 FEDERALLY RECOGNIZED INDIAN NATION, TRIBE OR PUEBLO.--

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

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1 law of the nation, tribe or pueblo to perform the notarial act.

2 B. The signature and title of an individual
3 performing a notarial act under the authority of and in the
4 jurisdiction of a federally recognized Indian nation, tribe or
5 pueblo are prima facie evidence that the signature is genuine
6 and that the 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 notarial
10 act. An official stamp is required [~~if~~] unless the laws of the
11 nation, tribe [~~require~~] or pueblo specify that an official
12 stamp is not required by that notarial officer for that
13 notarial act."

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

16 "14-14A-12. NOTARIAL ACT UNDER FEDERAL AUTHORITY.--

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

- 21 (1) a judge;
22 (2) a court clerk or deputy court clerk;
23 (3) an individual in military service or
24 performing duties under the authority of military service who
25 is authorized to perform notarial acts under federal law;

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

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

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

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

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

18 "14-14A-13. FOREIGN NOTARIAL ACTS.--

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

25 B. If the title of office and indication of

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

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

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

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

25 SECTION 12. Section 14-14A-14 NMSA 1978 (being Laws 2021,

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1 Chapter 21, Section 14) is amended to read:

2 "14-14A-14. CERTIFICATE OF NOTARIAL ACT.--

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

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

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

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

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

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

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

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

23 [~~7~~] (b) identify the county served if
24 the notarial officer is a county clerk or deputy county clerk;
25 and

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

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

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

25 C. A certificate of a notarial act is sufficient if

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1 it meets the requirements of Subsections A and B of this
2 section and:

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

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

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

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

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

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

25 F. If a notarial act is performed regarding a

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

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

12 "14-14A-15. SHORT-FORM CERTIFICATES.--The following
13 short-form certificates of notarial acts are sufficient for the
14 purposes indicated, if completed with the information required
15 by Subsections A and B of Section [~~14 of the Revised Uniform~~
16 ~~Law on Notarial Acts~~] 14-14A-14 NMSA 1978:

17 A. for an acknowledgment in an individual capacity:

18 State of _____

19 [County] of _____

20 This record was acknowledged before me on _____

21 _____
Date

22 by _____.

23 Name(s) of individual(s)

24 _____

25 Signature of notarial officer

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1 Stamp

2 [_____]

3 Title of office

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

7 [The notarial officer is authorized pursuant to Section _____
8 NMSA 1978 to perform the specified notarial act];

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

11 State of _____

12 [County] of _____

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

15 _____

16 Name(s) of individual(s)

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

19 _____

20 Signature of notarial officer

21 Stamp

22 [_____]

23 Title of office

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

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1 number and date of commission expiration: _____]; or
2 [The notarial officer is authorized pursuant to Section _____
3 NMSA 1978 to perform the specified notarial act];

4 C. for a verification on oath or affirmation:

5 State of _____

6 [County] of _____

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

8 Date

9 by _____.

10 Name(s) of individual(s)

11 making statement

12 _____

13 Signature of notarial officer

14 Stamp

15 [_____]

16 Title of office

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

20 [The notarial officer is authorized pursuant to Section _____
21 NMSA 1978 to perform the specified notarial act];

22 D. for witnessing or attesting a signature:

23 State of _____

24 [County] of _____

25 Signed (or attested) before me on _____ by

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Date

_____.

Name(s) of individual(s)

Signature of notarial officer

Stamp

[_____]

Title of office

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

[The notarial officer is authorized pursuant to Section _____
NMSA 1978 to perform the specified notarial act]; and

E. for certifying a copy of a record:

State of _____

[County] of _____

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

Dated _____

Signature of notarial officer

Stamp

[_____]

Title of office

[New Mexico state bar identification number, judicial district

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1 or area, county served or notary public commission number and
2 date of commission expiration: _____]; or
3 [The notarial officer is authorized pursuant to Section _____
4 NMSA 1978 to perform the specified notarial act]."

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

7 "14-14A-16. OFFICIAL STAMP.--The official stamp of a
8 notarial officer shall:

9 A. include the notarial officer's name,
10 jurisdiction and New Mexico state bar identification number if
11 the notary public is licensed to practice law [~~in this state~~],
12 judicial district or area served if the notarial officer is a
13 judge, court clerk or deputy court clerk, county if the
14 notarial officer is a county clerk or deputy county clerk or
15 notary public commission number and date of commission
16 expiration, the notarial officer's official notary seal and
17 other information required by the secretary of state;

18 B. be capable of being copied together with the
19 record to which it is affixed or attached or with which it is
20 logically associated; and

21 C. be filed with the secretary of state before the
22 notarial officer performs the notarial officer's initial
23 notarial act."

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

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1 "14-14A-17. STAMPING DEVICE.--

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

18 B. If a ~~[notary public's]~~ notarial officer's
19 stamping device is lost or stolen, the ~~[notary public]~~ notarial
20 officer or the ~~[notary public's]~~ notarial officer's personal
21 representative or guardian shall promptly notify the secretary
22 of state on discovering that the device is lost or stolen."

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

25 "14-14A-18. JOURNAL.--

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

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

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

- 23 (1) the date and time of the notarial act;
24 (2) a description of the record, if any, and
25 type of notarial act;

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

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

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

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

12 D. If a [~~notary public's~~] notarial officer's
13 journal is lost or stolen, the [~~notary public~~] notarial officer
14 shall promptly notify the secretary of state on discovering
15 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 public
20 unrelated to an established attorney-client relationship.

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

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

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

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

16 "14-14A-19. NOTIFICATION REGARDING PERFORMANCE OF
17 NOTARIAL ACT ON ELECTRONIC RECORD--SELECTION OF TECHNOLOGY.--

18 A. A ~~[notary public or]~~ notarial officer shall
19 select one or more tamper-evident technologies to perform
20 notarial acts with respect to electronic records. A person may
21 not require a ~~[notary public or]~~ notarial officer to perform a
22 notarial act with respect to an electronic record with a
23 technology that the ~~[notary public]~~ notarial officer has not
24 selected.

25 B. Before performing the ~~[notary public's or]~~

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1 notarial officer's initial notarial act with respect to an
2 electronic record, a ~~[notary public or]~~ notarial officer shall
3 notify the secretary of state that the ~~[notary public]~~ notarial
4 officer will be performing notarial acts with respect to
5 electronic records and identify the technology the notary
6 public intends to use. If the secretary of state has
7 established standards for approval of technology pursuant to
8 Section ~~[26 of the Revised Uniform Law on Notarial Acts]~~
9 14-14A-26 NMSA 1978, the technology must conform to the
10 standards. If the technology conforms to those standards, the
11 secretary of state shall approve the use of the technology."

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

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

16 A. An individual may apply to the secretary of
17 state for a commission as a notary public. The applicant shall
18 comply with and provide the information required by rules
19 established by the secretary of state and pay any application
20 fee.

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

- 23 (1) shall be at least eighteen years of age;
- 24 (2) shall be a citizen or permanent legal
25 resident of the United States;

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1 (3) shall be a resident of or have a place of
2 employment in this state;

3 (4) shall be able to read and write English;

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

7 (6) shall have passed the examination required
8 pursuant to Subsection A of Section [~~21 of the Revised Uniform~~
9 ~~Law on Notarial Acts~~] 14-14A-21 NMSA 1978; and

10 (7) [~~not otherwise be qualified as a notarial~~
11 ~~officer; provided that an individual who is employed as a court~~
12 ~~clerk, deputy court clerk~~] if a judicial officer, county clerk
13 or deputy county clerk who is not licensed to practice law, may
14 also be commissioned as a notary public to perform notarial
15 acts outside the individual's scope of duties as an automatic
16 notarial officer.

17 C. Before issuance of a commission as a notary
18 public, an applicant for the commission shall execute an oath
19 of office pursuant to the laws of this state and submit it to
20 the secretary of state.

21 D. Before issuance of a commission as a notary
22 public, the notary public or applicant for a commission shall
23 submit to the secretary of state an assurance in the form of a
24 surety bond or its functional equivalent in the amount of ten
25 thousand dollars (\$10,000). The assurance must be issued by a

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1 surety or other entity licensed or authorized to do business in
2 this state. The assurance must cover acts performed during the
3 term of the notary public's commission and must be in the form
4 prescribed by the secretary of state. If a notary public
5 violates law with respect to notaries public in this state, the
6 surety or issuing entity is liable under the assurance. The
7 surety or issuing entity shall give thirty days notice to the
8 secretary of state before canceling the assurance. The surety
9 or issuing entity shall notify the secretary of state not later
10 than thirty days after making a payment to a claimant under the
11 assurance. A notary public may perform notarial acts in this
12 state only during the period that a valid assurance is on file
13 with the secretary of state.

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

17 F. A commission to act as a notary public
18 authorizes the notary public to perform notarial acts. The
19 commission does not provide the notary public any immunity or
20 benefit conferred by law of this state on public officials or
21 employees.

22 G. At least thirty days before expiration of each
23 [~~notary public's~~] notarial officer's commission, the secretary
24 of state shall mail a notice of expiration to the [~~notary~~
25 ~~public's~~] notarial officer's mailing address of record. A

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1 ~~[notary public]~~ notarial officer may be reappointed upon making
2 an application in the same manner as required for an original
3 application."

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

6 "14-14A-21. EXAMINATION OF NOTARY PUBLIC AND NOTARIAL
7 OFFICERS--CONTINUING LEGAL EDUCATION REQUIREMENTS FOR AUTOMATIC
8 NOTARIAL OFFICERS.--

9 A. An applicant for a commission as a notary public
10 who does not hold a commission in this state is required to
11 pass an examination administered by the secretary of state or
12 an entity approved by the secretary of state. The examination
13 will be based on the course of study described in Subsection B
14 of this section.

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

20 C. ~~[A notarial officer authorized to practice law~~
21 ~~in this state]~~ An automatic notarial officer may obtain ~~[one~~
22 ~~unit of]~~ continuing legal education credit, pursuant to rules
23 established by the board of bar commissioners of the state of
24 New Mexico, for participating in continuing legal education
25 related to performing the notarial acts."

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

3 "14-14A-22. GROUNDS TO DENY, REFUSE TO RENEW, REVOKE,
4 SUSPEND OR CONDITION COMMISSION OF [~~NOTARY PUBLIC~~] NOTARIAL
5 OFFICER.--

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

12 (1) failure to comply with the Revised Uniform
13 Law on Notarial Acts;

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

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

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

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

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

10 [~~(6)~~] (7) use of false or misleading
11 advertising or representation by the notary public representing
12 that the notary has a duty, right or privilege that the notary
13 does not have;

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

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

19 (9) failure of the notary public to maintain
20 an assurance as provided in Subsection D of Section [~~20 of the~~
21 ~~Revised Uniform Law on Notarial Acts~~] 14-14A-20 NMSA 1978; or

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

24 B. The secretary of state may deny or refuse to
25 renew an applicant upon notice from the state ethics commission

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1 of adverse action upon a [~~notary public~~] notarial officer.

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

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

9 "14-14A-23. DATABASE OF [~~NOTARIES PUBLIC~~] NOTARIAL
10 OFFICERS.--The secretary of state shall maintain an electronic
11 database of [~~notaries public~~] notarial officers providing the
12 following:

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

16 B. indication of whether a [~~notary public~~] notarial
17 officer has notified the secretary of state that the [~~notary~~
18 ~~public~~] notarial officer will be performing notarial acts on
19 electronic records."

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

22 "14-14A-24. PROHIBITED ACTS.--

23 A. A commission as a notary public or status as an
24 automatic notarial officer does not by itself authorize an
25 individual to:

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

3 (2) act as an immigration consultant or an
4 expert on immigration matters;

5 (3) represent a person in a judicial or
6 administrative proceeding relating to immigration to the United
7 States, United States citizenship or related matters; or

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

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

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

15 D. A ~~[notary public]~~ notarial officer who is not
16 licensed to practice law shall not advertise or represent that
17 the ~~[notary public]~~ notarial officer may assist persons in
18 drafting legal records, give legal advice or otherwise practice
19 law. If a ~~[notary public]~~ notarial officer who is not an
20 attorney licensed to practice law ~~[in this state]~~ in any manner
21 advertises or represents that the notary public offers notarial
22 services, whether orally or in a record, including broadcast
23 media, print media and the internet, the ~~[notary public]~~
24 notarial officer shall include the following statement or an
25 alternate statement authorized or required by the secretary of

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1 state, in the advertisement or representation, prominently and
2 in each language used in the advertisement or representation:
3 "I am not an attorney licensed to practice law in this state.
4 I am not allowed to draft legal records, give advice on legal
5 matters, including immigration, or charge a fee for those
6 activities.". If the form of advertisement or representation
7 is not broadcast media, print media or the internet and does
8 not permit inclusion of the statement required by this
9 subsection because of size, the statement shall be displayed
10 prominently or provided at the place of performance of the
11 notarial act before the notarial act is performed.

12 E. Except as otherwise allowed by law, a [~~notary~~
13 ~~public~~] notarial officer shall not withhold access to or
14 possession of an original record provided by a person that
15 seeks performance of a notarial act by the notary public.

16 F. A notary public shall not:

- 17 (1) perform a notarial act on a blank or
18 incomplete record;
- 19 (2) certify or authenticate a photograph;
- 20 (3) perform a notarial act with intent to
21 deceive or defraud; or
- 22 (4) use the title of notary public, notarial
23 officer or official stamp to endorse, promote, denounce or
24 oppose any product, service, contest, candidate or other
25 offering.

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G. A notarial officer shall not:

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

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

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

I. An individual who performs a purported notarial act with knowledge that the individual's commission as a notary public has expired or that the individual is otherwise disqualified from ~~[the office of notary public or as a]~~ being a notarial officer is guilty of a misdemeanor for each purported notarial act and upon conviction shall be ~~[punished by a fine of five hundred dollars (\$500) and shall be removed from office by the state ethics commission]~~ sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978."

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

"14-14A-25. VALIDITY OF NOTARIAL ACTS.--Except as

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

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

16 "14-14A-26. RULES.--

17 A. The secretary of state may adopt rules to
18 implement the Revised Uniform Law on Notarial Acts. Rules
19 adopted regarding the performance of notarial acts with respect
20 to electronic records may not require, or accord greater legal
21 status or effect to, the implementation or application of a
22 specific technology or technical specification. The rules may:

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

25 (2) include provisions to ensure that any

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1 change to or tampering with a record bearing a certificate of a
2 notarial act is self-evident;

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

6 (4) prescribe the process of granting,
7 renewing, conditioning, denying, suspending or revoking a
8 notary public commission and assuring the trustworthiness of an
9 individual holding a commission as notary public or serving as
10 an automatic notarial officer;

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

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

17 (7) provide for the administration of the
18 examination pursuant to Subsection A of Section [~~21 of the~~
19 ~~Revised Uniform Law on Notarial Acts~~] 14-14A-21 NMSA 1978 and
20 the course of study pursuant to Subsection B of Section [~~21 of~~
21 ~~the Revised Uniform Law on Notarial Acts~~] 14-14A-21 NMSA 1978;
22 and

23 (8) provide for the administration of
24 continuing legal education for notarial officers authorized to
25 practice law in this state in collaboration with the board of

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1 bar commissioners of the state of New Mexico and pursuant to
2 rules adopted by the board of bar commissioners of the state of
3 New Mexico.

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

8 (1) the most recent standards regarding
9 electronic records promulgated by national bodies, such as the
10 national association of secretaries of state;

11 (2) standards, practices and customs of other
12 jurisdictions that substantially enact the Revised Uniform Law
13 on Notarial Acts; and

14 (3) the views of governmental officials and
15 entities and other interested persons."

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

18 "14-14A-27. [~~NOTARY PUBLIC~~] NOTARIAL OFFICER COMMISSION
19 IN EFFECT.--

20 A. A commission as a [~~notary public~~] notarial
21 officer in effect on the effective date of the Revised Uniform
22 Law on Notarial Acts continues until its date of expiration.

23 B. A notarial officer authorized to practice law in
24 this state is authorized to practice notarial acts with no
25 expiration of this authority but shall maintain an active

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1 license to practice law.

2 ~~[G. A notary public not authorized to practice law~~
3 ~~in this state who applies to renew a commission as a notary~~
4 ~~public on or after the effective date of the Revised Uniform~~
5 ~~Law on Notarial Acts is subject to and shall comply with the~~
6 ~~Revised Uniform Law on Notarial Acts.~~

7 ~~D.]~~ C. A ~~[notary public or]~~ notarial officer, in
8 performing notarial acts after the effective date of the
9 Revised Uniform Law on Notarial Acts or any amendments to the
10 Revised Uniform Law on Notarial Acts shall comply with the most
11 recent version of the Revised Uniform Law on Notarial Acts in
12 effect."

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

15 "14-14A-28. FEES.--

16 A. A ~~[notary public or]~~ notarial officer may charge
17 the maximum fee specified in this section, charge less than the
18 maximum fee or waive the fee.

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

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

25 (1) for acknowledgments, five dollars (\$5.00)

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1 per acknowledgment;

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

4 (3) for jurats, five dollars (\$5.00) per
5 jurat; and

6 (4) for copy certifications, fifty cents
7 (\$.50) per page with a minimum total charge of five dollars
8 (\$5.00).

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

11 (1) the [~~notary public~~] notarial officer and
12 the person requesting the notarial act agree upon the travel
13 fee in advance of the travel; and

14 (2) the [~~notary public~~] notarial officer
15 explains to the person requesting the notarial act that the
16 travel fee is separate from the notarial fees and not mandated
17 by law.

18 E. In addition to the fees prescribed in
19 Subsections C and D of this section, a [~~notary public~~] notarial
20 officer may charge a technology fee not to exceed twenty-five
21 dollars (\$25.00) or other amount established by rule by the
22 secretary of state per notarial act performed with respect to
23 an electronic record."

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

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