

SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 246

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

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO NOTARIAL ACTS; AMENDING THE REVISED UNIFORM LAW ON NOTARIAL ACTS; DEFINING "AUTOMATIC NOTARIAL OFFICERS" AND "JUDICIAL OFFICERS"; REDEFINING ROLES OF NOTARIAL OFFICERS AND NOTARIES PUBLIC; AMENDING PERSONAL APPEARANCE REQUIREMENTS; PROHIBITING ACTS OF DISCRIMINATION AS GROUNDS TO REFUSE TO PERFORM NOTARIAL ACTS; PROVIDING FOR NOTARIAL ACTS TO BE PERFORMED BY NOTARIAL OFFICERS AND OTHERS AUTHORIZED BY STATE

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LAW; RECOGNIZING NOTARIAL ACTS PERFORMED BY AN INDIAN NATION, TRIBE OR PUEBLO; REQUIRING AN OFFICIAL STAMP IN SPECIFIED CIRCUMSTANCES; CLARIFYING OFFICIAL STAMP REQUIREMENTS; PROVIDING REQUIREMENTS FOR A CERTIFICATE OF NOTARIAL ACTS; AMENDING CONTINUING LEGAL EDUCATION CREDIT REQUIREMENTS; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING GROUNDS TO DENY, REFUSE TO RENEW, REVOKE, SUSPEND OR CONDITION THE COMMISSION OF A NOTARIAL OFFICER.

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

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"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 individual before a notarial officer that:

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

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

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

(1) a judicial officer;

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

(3) a county clerk or deputy county clerk while performing a notarial act within the scope of the county

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clerk's or deputy county clerk's duties; and

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

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

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

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

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

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

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

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

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

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G. "judicial officer" means:

- (1) a judge of a state court of this state;
- (2) a special commissioner or hearing officer appointed pursuant to supreme court rule and employed by a state court;
- (3) a special master appointed pursuant to supreme court rule or state statute; and
- (4) a court clerk or deputy court clerk of a state court of this state;

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

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

- (1) the act is performed by a judicial officer within the scope of the judicial officer's duties; and
- (2) the record is filed in the court of the

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judicial officer;

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

(1) an automatic notarial officer; and

(2) a notary public;

~~[H.]~~ K. "notary public" means an individual commissioned [to perform a notarial act] by the secretary of state to be a notary public and authorized by such commission to perform notarial acts pursuant to the Revised Uniform Law on Notarial Acts;

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

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

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

(3) for county clerks or deputy county clerks, the seal of the county, if the board of county commissioners has approved a seal for the county and the seal has been filed

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with the secretary of state; and

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

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

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

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

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

- (1) execute or adopt a tangible symbol; or
- (2) attach to or logically associate with the

record an electronic symbol, sound or process;

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

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

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

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

[~~0-~~] S. "verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true."

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

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

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

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

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

**SECTION 5.** Section 14-14A-5 NMSA 1978 (being Laws 2021,

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Chapter 21, Section 5) is amended to read:

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

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

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

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

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

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

(b) has taken the required class and has  
satisfactory evidence of the identity of the remotely located  
individual by oath or affirmation from a credible witness  
appearing before the notary public pursuant to Subsection B of  
Section [~~6 of the Revised Uniform Law on Notarial Acts~~]

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14-14A-6 NMSA 1978 or this section; or

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

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

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

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

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

(b) the notarial act is deemed to be performed in this state and therefore does not require an apostille in the form otherwise prescribed by the Hague

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Convention of October 5, 1961; and

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

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

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

- (1) complies with rules adopted under Paragraph (1) of Subsection H of this section; or
- (2) is in the form provided in Section ~~[15 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-15 NMSA 1978 and contains a statement substantially as follows: "This notarial act involved the use of communication technology."

F. A ~~[notary public]~~ notarial officer, a guardian, a conservator or an agent of a ~~[notary public]~~ notarial officer or a personal representative of a deceased ~~[notary public]~~

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notarial officer shall retain the audiovisual recording created pursuant to Paragraph (3) of Subsection C of this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted pursuant to Paragraph (4) of Subsection H of this section, the recording must be retained for a period of at least ten years after the recording is made.

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

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

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

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

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

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

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

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

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

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

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

K. As used in this section:

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

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

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

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

(3) "outside the United States" means a location outside the geographic boundaries of the United

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States, Puerto Rico, the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States; and

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

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

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

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

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

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

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

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

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

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

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

(1) a notary public of this state; or  
(2) ~~[a judge of a court]~~ an automatic notarial officer of this state.

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

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

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

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

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

C. The signature and title of a notarial officer described in Subsection A of this section conclusively

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establish the authority of the officer to perform the notarial act. An official stamp is required [~~if the laws of this state require~~] unless a state law specifies that an official stamp is not required for that notarial act."

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

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

A. A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state if the act performed in that state is performed by a notarial officer or other individual authorized by the law of that state to perform the notarial act.

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

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

SECTION 9. Section 14-14A-11 NMSA 1978 (being Laws 2021,

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Chapter 21, Section 11) is amended to read:

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

A. A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian nation, tribe or pueblo has the same effect as if performed by a notarial officer of this state if the act performed in the jurisdiction of the nation, tribe or pueblo is performed by a notarial officer or other individual authorized by the written law of the nation, tribe or pueblo to perform the notarial act.

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

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

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

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

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

- (1) a judge;
- (2) a court clerk or deputy court clerk;
- (3) an individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
- (4) an individual designated a notarizing officer by the United States department of state for performing notarial acts overseas; or
- (5) any other individual authorized by federal law to perform ~~the~~ a specified notarial act.

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

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

SECTION 11. Section 14-14A-13 NMSA 1978 (being Laws 2021,

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Chapter 21, Section 13) is amended to read:

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

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

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

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

D. An apostille in the form prescribed by the Hague Convention of October 5, 1961 and issued by a foreign state party to the Hague Convention of October 5, 1961 conclusively establishes that the signature of the notarial officer is

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genuine and that the officer holds the indicated office.

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

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

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

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

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

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

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

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

(5) if the notarial officer is a notary public, indicate the notary public's commission number and the

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date of expiration of the notarial officer's commission;

HJC→and←HJC

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

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

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

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

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

B. If a notarial act regarding a tangible record is performed by a notary public, an official stamp shall be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by [a] an automatic

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notarial officer [~~other than a notary public~~] and the certificate contains the information specified in Paragraphs (2), (3), (4), (5) HJC→,←HJC HJC→and←HJC (6) HJC→and←(7)←HJC of Subsection A of this section, an official stamp shall be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in Paragraphs (2), (3), (4), (5) HJC→,←HJC HJC→and←HJC (6) HJC→and←(7)←HJC of Subsection A of this section, an official stamp shall be attached to or logically associated with the certificate.

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

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

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

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

(4) sets forth the actions of the notarial officer, and the actions are sufficient to meet the requirements of the notarial act as provided in Sections [~~4, 5~~]

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~~and 6 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-4 through 14-14A-6 NMSA 1978 or law of this state other than the Revised Uniform Law on Notarial Acts.

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

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

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

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

"14-14A-15. SHORT-FORM CERTIFICATES.--The following short-form certificates of notarial acts are sufficient for the

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purposes indicated, if completed with the information required by Subsections A and B of Section ~~[14 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-14 NMSA 1978:

A. for an acknowledgment in an individual capacity:

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

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

This record was acknowledged before me on \_\_\_\_\_

Date

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

Name(s) of individual(s)

\_\_\_\_\_

Signature of notarial officer

Stamp

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

Title of office

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

B. for an acknowledgment in a representative capacity:

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

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

This record was acknowledged before me on \_\_\_\_\_ by

Date

\_\_\_\_\_

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Name(s) of individual(s)

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

\_\_\_\_\_  
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: \_\_\_\_\_];

C. for a verification on oath or affirmation:

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

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

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

Date

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

Name(s) of individual(s)

making statement

\_\_\_\_\_  
Signature of notarial officer

Stamp

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

Title of office

[New Mexico state bar identification number, judicial district

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

D. for witnessing or attesting a signature:

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

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

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

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: \_\_\_\_\_]; 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

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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: \_\_\_\_\_]."

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

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

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

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

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

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

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

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

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

SECTION 16. Section 14-14A-18 NMSA 1978 (being Laws 2021,

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Chapter 21, Section 18) is amended to read:

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

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

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

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

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

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(2) a description of the record, if any, and type of notarial act;

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

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

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

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

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

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

F. On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall retain the notary public's journal in accordance with

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Subsection A of this section and inform the secretary of state of where the journal is located.

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

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

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

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

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

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selected.

B. Before performing the ~~[notary public's or]~~ notarial officer's initial notarial act with respect to an electronic record, a ~~[notary public or]~~ notarial officer shall notify the secretary of state that the ~~[notary public]~~ notarial officer will be performing notarial acts with respect to electronic records and identify the technology the SJC→**notary public**←SJC SJC→**notarial officer**←SJC intends to use. If the secretary of state has established standards for approval of technology pursuant to Section ~~[26 of the Revised Uniform Law on Notarial Acts]~~ 14-14A-26 NMSA 1978, the technology must conform to the standards. If the technology conforms to those standards, the secretary of state shall approve the use of the technology."

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

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

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

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

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(1) shall be at least eighteen years of age;  
~~[(2) be a citizen or permanent legal resident  
of the United States;~~

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

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

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

~~[(6)]~~ (5) shall have passed the examination  
required pursuant to Subsection A of Section ~~[21 of the Revised  
Uniform Law on Notarial Acts]~~ 14-14A-21 NMSA 1978; and

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

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

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

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the secretary of state.

D. Before issuance of a commission as a notary public, the notary public or applicant for a commission shall submit to the secretary of state an assurance in the form of a surety bond or its functional equivalent in the amount of ten thousand dollars (\$10,000). The assurance must be issued by a surety or other entity licensed or authorized to do business in this state. The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the secretary of state. If a notary public violates law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give thirty days notice to the secretary of state before canceling the assurance. The surety or issuing entity shall notify the secretary of state not later than thirty days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the secretary of state.

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

F. A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or

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benefit conferred by law of this state on public officials or employees.

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

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

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

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

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

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~~[G. A notarial officer authorized to practice law in this state]~~

C. A person qualified to be an automatic notarial officer is required to attend a course HJC→, not to exceed ninety minutes, ←HJC delivered by the secretary of state or an entity approved by the secretary of state. The course may be delivered in person or online. Attendance in the course is required before the person's seal may be registered with the secretary of state, and attendees shall demonstrate an understanding of the course material. The course shall cover laws, rules, procedures and ethics relevant to being an automatic notarial officer.

D. An automatic notarial officer may obtain [one unit of] continuing legal education credit, pursuant to rules established by the board of bar commissioners of the state of New Mexico, for participating in continuing legal education related to performing the notarial acts."

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

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

A. The state ethics commission may [~~deny, refuse to renew~~] revoke, suspend or impose a condition on a [~~commission as notary public~~] notarial officer for any act or omission that

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demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a ~~[notary public]~~ notarial officer, including:

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

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

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

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

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

(6) violation by the notarial officer of an obligation required of a notarial officer, whether by the

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provisions of the Revised Uniform Law on Notarial Acts, rules of the secretary of state or any federal or state law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) represent a person in a judicial or administrative proceeding relating to immigration to the United

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States, United States citizenship or related matters; or

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

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

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

D. A ~~[notary public]~~ notarial officer who is not licensed to practice law shall not advertise or represent that the ~~[notary public]~~ notarial officer may assist persons in drafting legal records, give legal advice or otherwise practice law. If a ~~[notary public]~~ notarial officer who is not an attorney licensed to practice law ~~[in this state]~~ in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the internet, the ~~[notary public]~~ notarial officer shall include the following statement or an alternate statement authorized or required by the secretary of state, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.". If the form of advertisement or representation

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is not broadcast media, print media or the internet and does not permit inclusion of the statement required by this subsection because of size, the statement shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

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

F. A [~~notary public~~] notarial officer shall not:

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

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

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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 otherwise provided in Subsection B of Section [~~3 of the Revised Uniform Law on Notarial Acts~~] 14-14A-3 NMSA 1978, the failure of a notarial officer to perform a duty or meet a requirement specified in the Revised Uniform Law on Notarial Acts does not invalidate a notarial act performed by the notarial officer.

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The validity of a notarial act under the Revised Uniform Law on Notarial Acts does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than the Revised Uniform Law on Notarial Acts or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts."

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

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

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

- (1) prescribe the manner of performing notarial acts regarding tangible and electronic records;
- (2) include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;
- (3) include provisions to ensure integrity in the creation, transmittal, storage or authentication of

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electronic records or signatures;

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

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

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

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

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

B. In adopting, amending or repealing rules about notarial acts with respect to electronic records, the secretary

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of state shall consider, so far as is consistent with the Revised Uniform Law on Notarial Acts:

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

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

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

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

(1) prescribe the process of submitting a complaint;

(2) provide for the administration of the adjudication of complaints;

(3) prescribe the procedure by which the state ethics commission shall handle complaints;

(4) prescribe the procedure the state ethics commission shall follow in approving a hearing officer's recommendation; and

(5) prescribe the procedure of appealing the state ethics commission's determination."

SECTION 25. Section 14-14A-27 NMSA 1978 (being Laws 2021,

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Chapter 21, Section 27) is amended to read:

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

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

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

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

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

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

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use the registered stamp until:

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

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

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

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

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

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

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

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

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

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

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

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(4) for copy certifications, fifty cents (\$0.50) per page with a minimum total charge of five dollars (\$5.00).

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

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

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

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

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

"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."

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