



# AMERICAN SOCIETY OF NOTARIES

## HAWAII

### RECORDBOOK—REQUIRED

#### **State-Specific Recordbook Requirements - Revised October 2009**

ASN recommends that ALL notaries use a recordbook of notarial acts. Notaries in several states are required to use a recordbook (also called a register or journal). Please review the following statutes as your state either requires the use of a recordbook OR has specific guidelines you must adhere to if you choose to use a recordbook (if not required by state law). You may print this document for your records.

#### **CHAPTER 456 NOTARIES PUBLIC**

##### **§456-9— Fees and administrative fines.**

(a) The attorney general shall charge and collect the following fees for:

(c) The attorney general may impose and collect the following administrative fines for a notary public's failure to:

(4) Record all of the notary public's transactions as prescribed by section 456-15 and applicable rules, \$200;

(5) Surrender the notary public's record books to the attorney general within ninety days of the end date of the commission, resignation, or removal from office, \$500; and

(6) Notify the attorney general within ten days after loss, misplacement, or theft of the notary public's seal, stamp, or any record book, inform the appropriate law enforcement agency in the case of theft, and deliver a copy of the law enforcement agency's report of the theft to the attorney general, \$20.

##### **§456-15—Record; copies as evidence.**

Every notary public shall record at length in a book of records all acts, protests, depositions, and other things, by the notary noted or done in the notary's official capacity. For each official act, the notary shall enter in the book:

(1) The type, date, and time of day of the notarial act;

(2) The title or type and date of the document or proceeding and the nature of the act, transaction, or thing to which the document relates;

(3) The signature, printed name, and address of each person whose signature is notarized and of each witness;

(4) Other parties to the instrument; and

(5) The manner in which the signer was identified.

All copies or certificates granted by the notary shall be under the notary's hand and notarial seal and shall be received as evidence of such transactions.

##### **§456-16—Disposition of records, penalty.**

The records of each notary public shall be deposited with the office of the attorney general upon the resignation, death, expiration of each term of office, or removal from or abandonment of office. If any notary fails to comply with this section within ninety days of the date of the resignation, expiration of any term of office, or removal from or abandonment of office or if the notary's personal representative fails to comply with

this section within ninety days of the notary's death, then the notary or the notary's personal representative shall forfeit to the State not less than \$50 nor more than \$500, in the discretion of the court, in an action brought by the attorney general on behalf of the State.

## **HAWAII ADMINISTRATIVE RULE – TITLE 5 DEPARTMENT OF THE ATTORNEY GENERAL – CHAPTER 11 NOTARIES PUBLIC**

### **5-11-9 Record book.**

(a) A notary public shall record all of the notary public's transactions, as prescribed in chapter 456, Hawaii Revised Statutes (HRS).

(b) The record book shall be bound with a soft cover and shall not exceed eleven inches in height and sixteen and one-half inches in width when fully opened.

(c) The pages of the record book shall be consecutively numbered.

(d) The notary public shall always provide and print legibly on the information page of each record book the notary public's name, business address, commission number, and commission expiration date, the book number, and the beginning and ending dates of the notarial acts recorded in that book.

(e) The notary public shall always print legibly the notary public's name on the top left corner and the notary public's commission number on the top right corner of each set of pages of transactions in each record book.

(f) The notary public shall deposit the notary public's record book with the attorney general within 90 days of the end date of the notary public's commission. Failure to comply with this requirement may result in a fine of no less than \$50 and no more than \$500.

### **5-11-16 Resignation of Commission**

(a) A notary public may resign the notary public's commission, and shall:

(1) Surrender the notary public's commission certificate, seal, and notarial record books as provided in section 5-11-17 (a)

### **5-11-17 Surrender of notary public commission certificate, seal and record book.**

(a) Within 90 days of resignation, removal from office, or expiration of a term of office without renewal, the notary public shall:

(1) Surrender the notary public's commission certificate to the attorney general for the purpose of destruction;

(2) Surrender the notary public's seal to the attorney general for the purpose of defacement; and

(3) Deposit the notary public's record book with the attorney general.

(b) Upon the death of a notary public, the notary public's employer or personal representative shall within 90 days fulfill the requirements of subsection (a).

(c) Failure to comply with subsection (a) (2) may result in a fine not more than \$200. Failure to comply with subsection (a) (3) may result in a fine not less than \$50 nor more than \$500.

### **5-11-18 Loss, misplacement, or theft of notary public certificate, seal or record book.**

Within 10 days after loss, misplacement, or theft of the notary public's official seal or notarial record book or both, a notary public shall deliver written notification to the attorney general of the loss, misplacement, or theft. The notary public also shall inform the appropriate law enforcement agency in the case of theft and deliver a copy of the law enforcement agency's report of the theft to the attorney general.